

FILED

U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

UNITED STATES DISTRICT COURT

2022 AUG 12 PM 1:03

for the

District of Nebraska



OFFICE OF THE CLERK

Eighth Circuit Division

PHYLLIS M. KNIGHT aka Dr. Phyllis M. Knight Bey
D.M.

Case No.

8:22CV293

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

DOUGLAS COUNTY NEBRASKA

Jury Trial: (check one) Yes No

RECEIVED

AUG 12 2022

CLERK
U.S. DISTRICT COURTCOMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE
(28 U.S.C. § 1332; Diversity of Citizenship)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	PHYLLIS M. KNIGHT aka Dr. Phyllis M. Knight Bey D.M.
Street Address	4964 E Lincoln Street - Box 13
City and County	WICHITA, SEDGWICK
State and Zip Code	KANSAS 67218
Telephone Number	(316) 364-0952
E-mail Address	orphanangel@hotmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	DOUGLAS COUNTY NEBRASKA
Job or Title (<i>if known</i>)	MUNICIPAL SUBDIVISION
Street Address	1819 FARNAM STREET, HO8
City and County	OMAHA, DOUGLAS
State and Zip Code	NEBRASKA 68183-0008
Telephone Number	(402) 444-6767
E-mail Address (<i>if known</i>)	dan.esch@douglascounty-ne.gov

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) PHYLLIS M. KNIGHT, is a citizen of the
State of (name) KANSAS

2. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____

2. If the defendant is a corporation

The defendant, (name) DOUGLAS COUNTY NEBRASKA, is incorporated under
the laws of the State of (name) NEBRASKA and the UNITED STATES, and has its
principal place of business in the State of (name) 37th Union State of NEBRASKA.
Or is incorporated under the laws of (foreign nation) _____, UNITED STATES OF AMERICA,
and has its principal place of business in (name) DISTRICT OF COLUMBIA.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The amount in controversy the Plaintiff claims the Defendants owes or the amount at stake is \$500,500,000 not including actual and punitive damages and court cost. because several of defendants' employees knowingly and intentionally committed War against the Constitution committing an Act of Treason. When acting as judicial trespassers of the law denying Plaintiff her right to privately contract.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) 08/26/2019, at (place) 5403 GRAND AVENUE, OMAHA, NEBRASKA 68104,

the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because (*describe the acts or failures to act and why they were negligent*)

(1) A reasonably prudent person should have avoided any action that would give the impression that government employees were using their public employment for private gain; giving special treatment to any person or group; or failing to be neutral in conducting County business (2) A person of ordinary prudence in same or similar circumstances would have conducted Douglas County business in accordance with federal and state laws and regulations because they are stewards of the public trust, responsible for the property and resources of Douglas County; because disparate treatment and rogue policing violated government ethics, policy and procedures.

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by (*explain*)
 Acts of Treason caused by three Douglas County Judges violated Nebraska ethics & U.S. Constitution when failing to conduct business in accordance with federal & state laws & regulations; joined at the meeting of the minds using biased policing practices that represented a significant danger to the fundamental principles of a democratic society. Causing plaintiff to become a victim of intentional targeting "black listed" from enjoying her right to privacy, fair housing & freedom of religion caused by premeditate pattern behavior of illegal evictions using a practice of espionage joined in conspiracy with City of Omaha Police Officers to illegal evicted plaintiff

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff Knight ask the court to order relief from the Defendant Douglas County Nebraska for premeditated intentional civil damages under § 1983 caused by county government employees when acting under color of state law in their individual and official capacity deprived Knight of her guaranteed federal right protected under the 14th Amendment, the 4th Amendment, and the 5th Amendment. On the criminal side of 28 U.S.C. 241 & 28 U.S.C. 242 Defendant Douglas County Nebraska is liable for Section 1983 Supervisory liability for failure to intervene in connection with actions of another municipality, private entity and a private person when conspiring in an act of unlawful seizure that deprive Knight of her 4th Amendment federal right to be free from illegal searches and seizures. Made possible by intentional acts of treason caused by wanton acts of negligent judicial trespassing and malicious prosecution that would "shock the conscience" of reasonable person when the Douglas County Small Claims operated outside their jurisdiction in a "diversity of citizenship" case that was under review in the federal court. The tribunal county court retaliated against Knight by enforcing an Act held unconstitutional by Congress when issuing a "Writ of Attainder" aka "Bill of Attainder" ordering the levying of all Knights worldly possessions. Plaintiff Knight seek relief in the amount of \$5,000,000,000 [Five Billion Dollars]

V. Certification and Closing

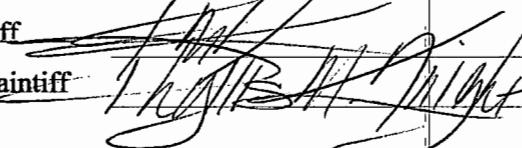
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/08/2022

Signature of Plaintiff 

Printed Name of Plaintiff 

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

UNITED STATES DISTRICT COURT
for the
District of Nebraska
(Continued Complaint)

<https://www.omahasheriff.org/contact-us/main-numbers>

DOUGLAS COUNTY NEBRASKA GOVERNMENT EMPLOYEES
In their individual and official capacity
ACTING UNDER COLOR OF STATE LAW
SECTION 1983 LIABILITY

“IMMUNITY IS LOSE FOR JUDICIAL TRESPASSING”

Section 1983 – Affirmative Defenses – Conduct Not Covered by Absolute Immunity

In this case [judge] [constable] [sheriff] [municipality co-conspirators]

Violation of a clearly established state-law right does not defeat qualified immunity regarding the violation of federal law. *Davis v. Scherer*, 468 U.S. 183, 194 (1984). Unlawfulness can be apparent “even in novel factual circumstances.” *Hope v. Pelzer*, 536 U.S. 730, 741 (2002); see also *Groh v. Ramirez*, 540 U.S. 551, 564 (2004) (“**No reasonable officer** could claim to be unaware of the basic rule, well established by our cases, that, absent consent or exigency, a warrantless search of the home is presumptively unconstitutional.”) *Halsey v. Pfeiffer*, 750 F.3d 273, 296 (3d Cir. 2014) (holding that even though it had not previously decided on the viability of a stand-alone claim for fabrication of evidence, reasonable officers should have known that “they certainly could not fabricate inculpatory evidence”); *Carman v. Carroll*, 749 F.3d 192 (3d Cir. 2014) (holding that plaintiff was entitled to judgment as a matter of law because the court had made clear over a decade ago that the right to knock at the front door while conducting a “knock and talk” does not carry a concomitant right to enter other parts of the curtilage); *Schneyder v. Smith*, 653 F.3d 313, 330 (3d Cir. 2011) *Abbott v. Latshaw*, 164 F.3d 141, 148 (3d Cir. 1998) (denying qualified immunity and noting that “it is the domain of the courts,” not law enforcement officers, “to decide who is entitled to possession of property,” that “citizens are to have a meaningful opportunity to be heard as to their rights before they are finally deprived of possession of property,” and that the officer’s “curbside courtroom, in which he decided who was entitled to possession, is precisely the situation and deprivation of rights to be avoided”). (quoting *Graham v. Connor*, 490 U.S. 386, 397 (1989)). Conversely, the court of appeals has suggested that qualified immunity analysis can take into account the fact that a defendant had time to deliberate before acting. See *Reedy v. Evanson*, 615 F.3d 197, 224 n.37 (3d Cir. 2010) (in the course of holding that summary judgment on qualified-immunity grounds was inappropriate, noting that “[t]here were no ‘split-second’ decisions made in this case”).

Douglas County Government Employees:

1. Sheryl L. Lohaus
Douglas County Court Judge 4th Judicial District
1701 Farnam Street
Omaha, Douglas County

Nebraska 68183
(402) 444-5432

2. Darryl R. Lowe
Douglas County Court Judge 4th Judicial District
1701 Farnam Street
Omaha, Douglas County
Nebraska 68183
(402) 444-6828
3. Derek R. Vaughn
Douglas County Court Judge 4th Judicial District
1701 Farnam Street
Omaha, Douglas County
Nebraska 68183
(402) 444-4230
4. Ronald Ross
Douglas County Constable
1819 Farnam Street Ste #800
Omaha, Douglas County
Nebraska 68183
(402) 444-6828
5. Etta Carlisle
Douglas County Court Clerk
1701 Farnam Street
Omaha, Douglas County
Nebraska 68183
(402) 444-5436
6. Ronald Murtaugh
Omaha, Douglas County Judicial Administrator
1701 Farnam Street
Omaha, Douglas County
Nebraska 68183
(402) 444- 5387
7. Grant A. Forsberg
1701 Farnam Street
Omaha, Douglas County Judge 4th Judicial District
Omaha, Douglas County
Nebraska 68183
(402) 444-5434

8. Brian Parizek
Douglas County Sheriff Sergeant
Sergeant, County Court
1616 Leavenworth Street
Omaha, Douglas County
Nebraska, 68201
(402) 444-3634

**Section 1983 – Liability in Connection with the Actions of Another –
Supervisory Officials**

9. Jon Kramer
Omaha Douglas County Sheriff
Lieutenant, Office of Professional Standards
Administrative Services Bureau
Douglas County Law Enforcement Center
3601 N 156th Street
Omaha, Douglas County
Nebraska, 68116
(402) 444-3634

10. Chad Miller – S405
Deputy, Douglas County Sheriff
Criminal Investigation Division
3601 North 156th Street
Omaha, Douglas County
Nebraska 68116
(402) 444-7997
CHARLES.MILLER@DOUGLASCOUNTY-NE.GOV

11. John Pankonin
Douglas County Sergeant Criminal Investigation Division
3601 North 156th Street
Omaha, Douglas County
Nebraska 68116
(402) 444-7996

12. Timothy F. Dunning
Douglas County Chief Deputy Sheriff
3601 North 156th Street

Omaha, Douglas County
Nebraska 68116
(402) 444-7997

Section 1983 – Action under Color of State Law Determining Whether a Private Person Conspired with a State Official

13. La Chelle Biggs Phillips
6235 Still Meadow
San Antonio, Bexar County
Texas 78222
(210) 440-2309

14. Earl Edward Biggs Jr
3536 N 40th Ave.
Omaha, Douglas County
Nebraska 68111
(402) 699-5567

15. Chatelain and Maynard Law Firm
440 Regency Parkway Dr. #132,
Omaha, Douglas County
Nebraska 68114, United States
(402) 333-8488

Section 1983 – Liability in Connection with the Actions of Another – Municipalities – Statute, Ordinance or Regulation

16. Kenneth Porter
City of Omaha Police Officer
Municipal Government Employee
505 S. 15th Street
Omaha, Douglas County
Nebraska 68102
(402) 444-5600

17. Other Unknown Police's
City of Omaha Police Officer
Municipal Government Employee
505 S. 15th Street
Omaha, Douglas County
Nebraska 68102
(402) 444-5600

RELATED CASES	COURT	JUDGMENT
Case Number: CI 19-8911	Douglas County Court, NE.	5/8/2019
Case Number: CI 19-11289	Douglas County Court, NE.	8/23/2019
Case Number: 8:19CV206	U.S. District Court Nebraska	7/30/2019
Case Number: 19-2744	Eighth Circuit Court of Appeals	3/25/2020
Case Number: 20-6344	United State Supreme Court	1/19/2021

OTHER RELATED CASES

- *SELLING COMPANY v PHYLLIS KNIGHT*, No. CI 93-19149807 DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment date August 3, 1994
- *ENTERPRISE BANK v PHYLLIS KNIGHT*, No. CI 11-7363, DOUGLAS COUNTY, DISTRICT COURT FOR THE STATE OF NEBRASKA. Judgment November 7, 2011
- *CYNTHIA JENKINS v. PHYLLIS KNIGHT*, No. CI 13-12832, DOUGLAS COUNTY NEBRASKA SMALL CLAIMS COURT. Judgment date July 8, 2013
- *PATRICK FRAZIER v PHYLLIS MARIE KNIGHT*, No. CI 15-13945, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment date January 20, 2016
- *CDM PROPERTY v PHYLLIS MARIE KNIGHT*, No. CI 16-9790, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment date June 8, 2016
- *JACKSON TOWERS v PHYLLIS MARIE KNIGHT*, No. CI 17-10292, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment date June 26, 2017
- *LACHELLE A. PHILLIPS v PHYLLIS MARIE KNIGHT*, No. CI 19-8911, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment date May 8, 2019

- *LACHELLE A. PHILLIPS v DR. PHYLLIS MARIE KNIGHT BEY D.M.*, No. CI 19-11289, DOUGLAS COUNTY, NEBRASKA SMALL CLAIMS COURT. Judgment date August 23, 2019

(Continued Statement of Claim)
Section 1983 – Action under Color of State Law

No.

SHERYL L. LOHAUS; In her individual and official capacity
Presiding Judge Douglas County Court Judge 4th Judicial District

On August 23, 2019 – August 26, 2019, Judge Sheryl L. Lohaus knowingly and intentionally violated Court Organization. A judge should organize the court with a view to the prompt and convenient dispatch of its business and he/she should not tolerate abuses and neglect by clerks, and other assistants who are sometimes prone to presume too much upon his/her good natured acquiescence by reason of friendly association with him. It is desirable too, where the judicial system permits, that he/she should cooperate with other judges of the same court, and in other courts, as members of a single judicial system, to promote the more satisfactory administration of justice. Which Judge Sheryl L. Lohaus failed to do when she willfully joined at the meeting of the minds with more than two Douglas County Nebraska government employees with intent to cause harm and deprive to the *Plaintiff* of her U.S. Constitutional right to Due Process of the Law and Equal and Fair Justice under the Law. Rather Judge Lohaus made the choice to conspire in criminology when she joined “at the meeting of the minds” in a premeditated Act of Treason. When she acted as a Judicial Trespasser of the Law. At that time during August 23, 2019, and August 26, 2019, in which she willfully breached her foreign oath office to both the Nebraska State Constitution and U.S. Constitution. Further Judge Sheryl L. Lohaus breach public trust in the way in which she violated Douglas County ethics policy and customs to conspire felonious

crimes. When she *knowingly* acted as a Judicial Trespasser of the Law committing Fraud on the Court when she *intentionally* trespassed on a federal case in which she totally lacked subject-matter jurisdiction and personal jurisdiction. *Plaintiff* being a private person born with a nationality with the right to privately contract. Pursuant to the judicial subject-matter in the interest of a private banking and finance mortgage contract between the *Plaintiff* and an out-of-state citizen at which time was on appeal in the Eighth Circuit Court of Appeals under Case No: 19-2744. On May 8, 2019 (Douglas County Court Case No:19-8911 *La Chelle Phillips vs Phyllis Marie Knight* was dismissed due to lack of jurisdiction over the person, the subject and the matter due to diversity of citizenship.) **Judge Sheryl L. Lohaus** knowingly abused her position of power when she reached outside the scope of her jurisdiction and operated outside the scope of her authority when she issued an illegal WRIT OF RESTITUTION in the form of a “WRIT OF ATTAINER” issued against the *Plaintiff* for the sole purpose of retaliation. **Judge Sheryl L. Lohaus** issued a WRIT OF RESTITUTION dated August 23, 2019, that was executed on August 26, 2019, in her WRIT **she was lying** when she said a judgment was rendered on June 5, 2019. On June 5, 2019, the *Plaintiff* appeared before Judge Darryl R. Lowe who shut down the entire courtroom that day because he was as so discombobulated with the *Plaintiff's* defence. He rescheduled all cases left to be heard in his courtroom that day to resume on Monday June 10, 2019, at 9:00AM. That is what was truly rendered on June 5, 2019, and what Judge Sheryl L. Lohaus was doing in her “Writ of Attainder” dated August 23, 2019, is letting the *Plaintiff* know that she was **retaliating** on behalf of Judge Darryl R. Lowe for what happened in his courtroom on **June 5, 2019**. On August 26, 2019, Judge Sheryl L. Lohaus committed an act of evil so criminal as to “shock the conscience to reasonable person.” When she abused her position of authority for direct retaliation against *Plaintiff* Knight. Judge Sheryl L. Lohaus

operated outside her jurisdiction and judicial authority to get her hate crime accomplished. In such a way that violated NE. Stat. 25-2618.01(i)(ii)(iii). Small Claims Court; jurisdiction; when; transfer limited; appeal. (i) The judgment was procured by corruption, fraud, or other undue means; (ii) There was evident partiality or corruption by the judge or misconduct prejudicing the rights of any party; (iii) The judge exceeded his or her powers; Further Judge Sheryl L. Lohaus violated NE. Stat. 25-201.01(2). Civil actions; savings clause; conditions. (2) A new action may not be commenced in accordance with subsection (1) of this section when the original action failed (a) on the merits of the action, (b) as a result of voluntary dismissal by the plaintiff for a reason other than loss of diversity jurisdiction in a federal court, (c) as a result of the plaintiff's failure to serve a defendant within the time prescribed in section 25-217, or (d) as a result of any other inaction on the part of the plaintiff where the burden of initiating an action was on the plaintiff. This section includes a savings clause for actions filed in federal court that are dismissed because of the loss of diversity jurisdiction. Brodine v. Blue Cross Blue Shield, 272 Neb. 713, 724 N.W.2d. Further Judge Sheryl L. Lohaus violated the **Nebraska Small Claims Court Law** when she illegally enforced levying power, she did not have over the *Plaintiff's* personal and intellectual property. At which time caused *Plaintiff* to be robbed of all her earthly belongings, including her motor vehicle. In violation of 4.12 Section 1983 – Unlawful Seizure, 4.12.3 Section 1983 – Unlawful Seizure – Warrant Application, 4.13 Section 1983 – Malicious Prosecution, and 4.13.1 Section 1983 – Burdens of Proof in Civil and Criminal Cases. Moreover, theft in the United States classified as an act of grand larceny when Constable Ron Ross was illegally ordered to restore Knight aka Knight Bey's premises and remove the *Plaintiff* and other's from the premises and levy of goods and chattels. At which time violated the Nebraska Small Claims Court Law pursuant to judgments in small claims court may not exceed \$3,600 in

the year 2019. Further violating the law pursuant to the State of Nebraska being awarded a judgment in the Nebraska Small Claims Court does not guarantee that you will collect money.

The court is not responsible for collecting the judgment. If the judgment debtor (the losing party) does not voluntarily pay the judgment to the judgment creditor (the winning party), the judgment creditor may attempt to collect the judgment through an additional court process.

Common Law, monarch often used **bills of attainder** to deny person's right to own property, the right to a title of nobility or even right to life. The Bill of Attainder Clause Article I, Section 9, of the Constitution provides that Congress shall pass "No Bill of Attainder or ex post facto Law."

Article I, Section 10, likewise prohibits the states from enacting bills of attainder. Citizens For Equal Protection, et al., v Jon C. Bruning, Attorney General; Dave Heineman Governor 290 F.

Supp.2.d 1004 (D.Neb.2003), 455 F.3d 859 (8th Cir. 2006). The Supreme Court has frequently defined a bill of attainder as "a law that legislatively determines guilt and inflicts punishment" without a judicial trial. Nixon v. Adm'r of Gen. Servs., 433 U.S. 425, 468, 97 S.Ct. 2777, 53 L.

Ed.2d 867 (1977), Heights Apartments, LLC v Tim Walz No. 21-1278 (8th Cir). Fraud upon the court in obtaining a complaint, information, or indictment invalidates all orders of the court and causes the case to be null and void ab initio. "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512,

¶ 60.23. The 7th Circuit further stated, "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final." It is also clear and well-settled Illinois law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. People v.

Sterling, 357 Ill. 354; 192 N.E. 229 (1934) (“The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions.”); Moore v. Sievers, 336 Ill. 316; 168 N.E. 259 (1929) (“The maxim that fraud vitiates every transaction into which it enters ...”); In re Village of Willowbrook, 37 Ill.App.2d 393 (1962) (“It is axiomatic that fraud vitiates everything.”); Dunham v. Dunham, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); Stasel v. The American Home Security Corporation, 362 Ill. 350; 199 N.E. 798 (1935).

On August 26, 2019, **Judge Sheryl L. Lohaus** violated the Plaintiffs 1st Amendment, 4th Amendment, 5th Amendment and 14th Amendment Right protected by the United States Constitution. When she enjoined with persons acting under color of state law to willfully deprive the *Plaintiff* of her rights and privileges protected by the Constitution and laws of the United States pursuant to federal statute Section 242 of Title and Title 18, U.S.C., Section 241-Conspiracy Against Rights. Wickersham v. City of Columbia, No.06-1922, 2007 U.S. App. LEXIS 6600 (8th Cir. March 22, 2007). Further **Judge Sheryl L. Lohaus** violated the *Plaintiffs* right to religious freedom under The Free Exercise Clause of the First Amendment. Further denying her the right to enjoy her Religious Liberty in the privacy of her home prohibited under Religious Rights RLUIPA §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination under 24 CFR § 254 Federally protected activities and pursuant to the Nebraska Fair Housing Act Law 20-302. Civil rights; policy of state. When she willfully joined at the “meeting of the minds” and participated with state officials reaching a mutual understanding concerning the unlawful objective of a conspiracy when together Douglas County Presiding **Judge Sheryl L. Lohaus** along with Douglas County **Judge Darryl R. Lowe**, Douglas County **Judge Derek Vaughn**, and DOUGLAS COUNTY CONSTABLE **Ron Ross**,

operated outside the scope of their authority without jurisdiction or probable cause. Judges and prosecutors have absolute immunity unless they totally lack subject-matter or personal jurisdiction in the case. A judge acting without subject-matter jurisdiction is acting without judicial authority. Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821) The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution", he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis supplied in original]. State officials **may be sued as individuals in § 1983 actions**. Brokaw v. Mercer County, 235 F.3d 1000 (7th Cir. 2000). The Illinois Supreme Court has held that "if the magistrate has not such jurisdiction, then he and those who advise and act with him, or execute his process, are trespassers." Von Kettler et.al. v. Johnson, 57 Ill. 109 (1870). Under Federal law, which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828). When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judge's orders are void, of no legal force or effect. By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). The U.S. Supreme Court has stated that "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.". Cooper v. Aaron, 358 U.S. 1,

78 S.Ct. 1401 (1958). Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme Law of the Land. The judge is engaged in acts of treason. Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason and may be engaged in extortion and the interference with interstate commerce. Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

DARRYL R. LOWE; In his individual and official capacity
Douglas County Court Judge 4th Judicial District

On August 12, 2019, a total stranger being a black male who identified himself by the name Earl showed up at the *Plaintiffs* home/religious study site making terrorist threats stating she better move out the home it's not her house its La Chelle's house and she better be in court on Thursday because the judge being government agent/employee "**Judge Darryl R. Lowe**" aka "**The Blood Judge**" is gone be waiting on you to start acting up because he gone have the sheriff there to arrest you. *Plaintiff* made a police report on August 13, 2019, regarding that encounter under RB#AL80463. *Plaintiff* also contacted Douglas County Nebraska Presiding Judge **Sheryl**

L. Lohaus and reported what the stranger Earl alleged came out the mouth of **Judge Darryl R. Lowe**. At that time the *Plaintiff* demanded **Judge Darryl R. Lowe** be recused from Case No: 19 11289 ***LaChelle Phillips vs Dr. Phyllis Marie Knight Bey***. This being a new case of fraud on the court under the same subject-matter illegally filed in the Douglas County Small Claims Court by the same person Attorney John C. Chatelain. On May 22, 2019, John C. Chatelain was allowed to file his second fraudulent RESIDENTIAL LANDLORD AND TENANT OR FORCIBLE ENTRY AND DETAINER case submitted during the time in which *Plaintiffs* case against **Chatelain and Phillips et al**, was knowingly in the U.S. District Court under diversity of citizenship jurisdiction. In their new filing in the Nebraska Small Claims Court ***LaChelle Phillips*** the diverse out-of-state citizen from the State of Texas and her Nebraska BAR Attorney **John C. Chatelain** *Defendants* in the *Plaintiffs* federal case regarding the same subject-matter in the interest of a banking and finance mortgage agreement. This time **Attorney Chatelain and Phillips** entered the Douglas County Small Claims Court an in their RESTITUTION AND DETAINER filing they increased the amount in controversy alleged on **April 24, 2019**, at the rate of not less than **\$800.00** was change to **\$4,360.00** on **May 22, 2019**, exceeding the jurisdictional limits of the Nebraska Small Claims Court pursuant to Nebraska Section 25-2802 (2019) the maximum amount of Claim Small Claims Court in Nebraska was **\$3,600.00**. This fraudulent filing knowingly exceeded jurisdictional limitations pursuant to **NE Code § 25-2618.01** (2019) the case was filed for the sole purpose to procure a premeditated judgment by corruption, fraud, and other undue means of corruption at the meeting of the mind of **Judge Darryl R. Lowe**. His misconduct was being made with direct intent of retaliation against *Plaintiff* that he knowingly would prejudice the rights of ***KNIGHT aka Knight Bey***. On **August 15, 2019**, Judge Darryl R. Lowe was recused from the case. On **August 23, 2019**, when Judge Sheryl L. Lohaus

issued her illegal WRIT against ***KNIGHT aka Knight Bey***, Douglas County Constable **Ron Ross** later admitted he was acting on behalf of recused Judge Darryl R. Lowe on **August 26, 2019**, when he showed up at the *Plaintiff's* home/religious study site with an illegal WRIT in his hand. **Constable Ron Ross** was later enjoined on August 26, 2019, at the home of the *Plaintiff* located at 5403 Grand Avenue, Omaha, NE 68104 by multiple **CITY OF OMAHA Police Officers**, the stranger **Earl, LaChelle Phillips and Big Red Locksmith**. Together they all trespassed onto the *Plaintiff's* property and illegally entered Plaintiffs home/religious study site without a warrant or search warrant. At the command of City of Omaha Police Officer Kenneth Porter, the stranger Earl dressed as a "Blood Gang Member" began defacing the *Plaintiff's* home/religious study site. While at the same time at least three Omaha Police Officers had the *Plaintiff* surrounded in her kitchen and the other City of Omaha Police Officers were blocking every room in the house while Douglas County **Constable Ron Ross** was running in and out the *Plaintiff's* home still holding his piece of paper in his hand. That paper being a WRIT OF RESTITUTION was later given to the *Plaintiff* after she was being removed from her home/religious study site. In violation of **NE. Stat. 25-2618.01(i)(ii)(iii)(iv)(vi)**. Small Claims Court; jurisdiction; when; transfer limited; appeal. (i) The judgment was procured by corruption, fraud, or other undue means; (ii) There was evident partiality or corruption by the judge or misconduct prejudicing the rights of any party; (iii) The judge exceeded his or her powers; (iv) The judge refused to postpone the trial upon sufficient cause being shown therefor, refused to hear evidence material to the controversy, or otherwise so conducted the hearing, contrary to the provisions of section 25-2606, as to prejudice substantially the rights of a party; (vi) The judge was subject to disqualification and failed, upon receipt of timely demand, to disqualify himself or herself as required by law. **NE. Stat. 25-201.01(2)**. Civil actions; savings clause; conditions. (2) A new

action may not be commenced in accordance with subsection (1) of this section when the original action failed (a) on the merits of the action, (b) as a result of voluntary dismissal by the plaintiff for a reason other than loss of diversity jurisdiction in a federal court, (c) as a result of the plaintiff's failure to serve a defendant within the time prescribed in section 25-217, or (d) as a result of any other inaction on the part of the plaintiff where the burden of initiating an action was on the plaintiff. This section includes a savings clause for actions filed in federal court that are dismissed because of the loss of diversity jurisdiction. *Brodine v. Blue Cross Blue Shield*, 272 Neb. 713, 724 N.W.2d. The Eighth Circuit's 2007 decision in *Wickersham v. City of Columbia* "The direct role of the Columbia police in enforcing [the private organization's] speech restrictions provided the critical nexus between the challenged conduct and the exercise of state authority." The contributions of the Columbia police go beyond the kind of neutral assistance that would normally be offered to private citizens in enforcing the law of trespass. . . . Here, the police department's security plan instructed the officers to enforce [the private organization's] rules rather than city ordinances, and police took an active role in identifying and intercepting protesters at the air show . . . *Wickersham v. City of Columbia*. The District Court agreed and enjoined both from interfering with certain First Amendment activity at the air show. "[t]he one unyielding requirement is that there be a 'close nexus' not merely between the state and the private party, but between the state and the alleged deprivation itself." When a private entity has acted jointly and intentionally with the police pursuant to a customary plan, it is proper to hold that entity accountable for the actions which it helped bring about. When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judge's orders are void, of no legal force or effect. By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). If a judge

acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason and may be engaged in extortion and the interference with interstate commerce. U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed. 257 (1821). Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts. Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

Judge Darryl R. Lowe Pattern Behavior of Homegrown Domestic Terrorism

Plaintiff Knight aka Knight Bey can prove beyond a reasonable doubt that Darryl R. Lowe has a long history of pattern behaviours of abusing his position of authority while operating as an agent for the State of Nebraska Political Subdivision of Douglas County Nebraska. This man has used his judicial authority within the American Judicial System for the purpose of criminology and corruption for his own personal benefit and for the benefit of others. He has personally participated in street gang activity when operating in the position as a State Prosecutor and his continued behaviours in crime and corruption carried over into his judgeship earning himself the street credit title as the “thug judge” with the local gang members who refer to him as “The Blood Judge.” Darryl R. Lowe’s traitor terroristic corrupted behaviours succeeds at the joining of other political and municipal servants who formed themselves an organized “deputy gang” crime ring under the RICO Act equipped with private persons and employees operating under color of law for both Douglas County Nebraska and City of Omaha who have joined at the “meeting of the minds” to abuse their authority to terrorize Nebraska citizens by controlling the court like a

corrupted crap house of mobsters committing no knock warrant home invasion robberies, stealing money, cars, and everything in sight, including killing at will if the opportunity presents its self. Judge Darryl R. Lowe and his gang of terroristic cronies are a threat to the People of the State of Nebraska and need to be taking out of their positions of authority as corrupted agents for the State of Nebraska. Judge Darryl R. Lowe has a history of targeting my family and friends. Now he has targeted me, and for that matter he has gone too far. This dirty judge and his dirty deputy gang robbed my entire home/religious study site stealing everything I own. At this time, I am taking action to have this matter and others turned over for special investigation by the United States Attorney General Merrick Garland and at the attention of the President of the United States Joseph R. Biden. I am demanding the U.S. Attorney General investigate Darryl R. Lowe for his direct involvement in an attempted murder during an attempted drive by shooting that went bad for him when he was a State Prosecutor, he tried to shoot Michael E. Harris, while driving a local black male citizens car he rented out by the name Jack Harris. Lowe rented out Jack Harris's car to shoot Michael Harris, but Michael caught Lowe in his dirty act and Michael got to his gun first and Darryl R. Lowe jumped out the car and begged Michael Harris for his life. This dirty judge ordered my Uncle Stanley Poe to sever 17 years in prison for a crime he did not commit. In "2003" under case number CI03-10840 involving Wayne and Sharmon Stock of Murdock, Nebraska they used the courtroom of Judge Darryl R. Lowe to commit bank fraud when he held an illegal "Tenant Landlord" case in his court to steal real estate property from my Moorish Sister Carmen Crawford aka Nya Bey and those two plaintiffs were later found brutally murdered in their home in "2006". At which time a dirty Douglas County CSI director David Kofoed was accused of planting blood evidence in "2006" to bolster a case against two suspects in the Stock's double murder case. In "2014" my nephew Dell Shawn Evans was tried for a

murder he did not commit in the death of James Dancer, but during my nephew's murder trial it was never mentioned that James Dancer had a drug and gang connection with Judge Darryl R. Lowe the person James referenced by name "The Blood Judge" who let him out of jail on a recognizance bond and while out on bond he got murdered. In "2016" Judge Darryl R. Lowe committed a crime of securities fraud when he forged the signature of my son Cotrell T. Knight to a \$500,000.00 municipal bond for a crime of robbery he did not commit. In "2019" the dirty Judge Lowe decided to target me in a real estate bank fraud case by using his court to host another illegal "Tenant Landlord" case with the help of his political servants. On August 12, 2019, Judge Darryl R. Lowe sent his blood gang member aka private person Earl Edwards Biggs to my home to delivery me a terroristic threat. On August 26, 2019, Judge Darryl R. Lowe sent Constable Ron Ross and his blood gang member aka private person Earl Edwards Biggs with the help of City of Omaha Municipal Officers to illegally take over my home and rob my home for everything I owned. Judge Lowe's private person gang member and co-conspirator deputy gang robbed me for all my earthly belongings, personal, and intellectual property. Including my motor vehicle in an act of revenge and fraud for the benefit out-of-state citizen La Chelle Biggs and another private entity with the help of other government servants Presiding Judge Sheryl L. Lohaus, Judge Derek R. Vaughn, and the Douglas County Nebraska Sheriff's Office. The three dirty judges and their deputy gang are masquerading as a government, but in all actuality, they are Douglas County Nebraska Courthouse Criminals who have formed themselves an organized RICO street gang operation enjoined by the City of Omaha Police Department, the Douglas County Nebraska Sheriff's Office, and local street gang members. These government servants and private actors are a dangerous regime of homegrown domestic terrorist. That believe they are above the law. They are a threat to society, myself, my family, my friends and to the People of

the State of Nebraska. For that reason, I am moving forward to demand immediate help from the Office of the United States Attorney General and the (DOJ) Department of Justice Criminal Division to order a special investigation for crimes under the RICO Act and International Human Rights Crimes Against Woman in the form of domestic terrorism, sexual harassment, bank fraud, grand larceny, etc. etc. etc. To help me recover all my stolen property and to take custody of the body of all those criminally responsible for using their position when acting under color of state law to rob my entire house/religious study site.

No. 3

DEREK R. VAUGHN; In his individual and official capacity
Douglas County Court Judge 4th Judicial District

On Friday August 23, 2019, Judge Derek R. Vaughn acted as a trespasser of the law when he *knowingly* and *intentionally* acted without judicial authority when he held a sham restitution of premises hearing in which he lacked both personal and subject-matter jurisdiction. Further where language is key Judge Derek R. Vaughn held his sham hearing in direct violation of the law. NE. Stat. 25-2618.01(i)(ii)(iii)(iv)(vi). Small Claims Court; jurisdiction; when; transfer limited; appeal. (i) The judgment was procured by corruption, fraud, or other undue means; (ii) There was evident partiality or corruption by the judge or misconduct prejudicing the rights of any party; (iii) The judge exceeded his or her powers; (iv) The judge refused to postpone the trial upon sufficient cause being shown therefor, refused to hear evidence material to the controversy, or otherwise so conducted the hearing, contrary to the provisions of section 25-2606, as to prejudice substantially the rights of a party; (vi) The judge was subject to disqualification and failed, upon receipt of timely demand, to disqualify himself or herself as required by law. NE. Stat. 25-201.01(2). Civil actions; savings clause; conditions. (2) A new action may not be

commenced in accordance with subsection (1) of this section when the original action failed (a) on the merits of the action, (b) as a result of voluntary dismissal by the plaintiff for a reason other than loss of diversity jurisdiction in a federal court, (c) as a result of the plaintiff's failure to serve a defendant within the time prescribed in section 25-217, or (d) as a result of any other inaction on the part of the plaintiff where the burden of initiating an action was on the plaintiff. This section includes a savings clause for actions filed in federal court that are dismissed because of the loss of diversity jurisdiction. *Brodine v. Blue Cross Blue Shield*, 272 Neb. 713, 724 N.W.2d 321 (2006). Further the language binding in the Nebraska Small Claims Court Law reads:

- An individual who is a party to a small claims action must represent himself or herself. A partnership can be represented by a partner or an employee. A corporation may be represented by an officer or employee of the corporation. A union, association, or other organization may be represented by a member or an employee. You may not be represented by a lawyer in small claims court.
- Judgments in small claims court may not exceed \$3,600.
- **Default Judgment** - If the defendant chooses not to appear at the time and place set for hearing and does not request or receive a continuance, the court may, after hearing the plaintiff's evidence, award a default judgment to the plaintiff without the defendant being present.
- **County:** You must file small claims actions in the county where the defendant or defendant's agent resides or is doing business or in the county in which the cause of action arose. **If you file in the wrong court, your case will be dismissed, and you will lose the filing fees and prepaid costs.**
- **Transfer of Cases from Small Claims Court** - A defendant in a small claims court action may remove the case from small claims court and have it considered as a regular civil case on the county court docket. The defendant or defendant's attorney must request the transfer at least two days before the hearing time and must pay the difference in fees between the small claims court and the regular docket of county court. When this is completed, the case is automatically transferred by the court; the law does not permit the plaintiff to object to the transfer. After the transfer, both the defendant and the plaintiff may have a lawyer represent them during the trial. A defendant desiring a jury trial must ask for a jury trial at the time the transfer is requested

- Being awarded a judgment does not guarantee that you will collect money. The court is responsible for collecting the judgment. If the judgment debtor (the losing party) does not voluntarily pay the judgment to the judgment creditor (the winning party), the judgment creditor may attempt to collect the judgment through an additional court process.

For that reason, Judge Derek R. Vaughn "knowingly" violated NE State Statute for the sole purpose of retaliating against *Plaintiff* Knight aka Knight Bey he violated the rule of law when acting as if he was above law. Whatever the circumstances Judge Derek Vaughn admits under oath before the court and its court report on August 23, 2019, when directing his attention to Nebraska Bar Attorney John C. Chatelain representing for his non-appearing out-of-state private party LaChelle Phillips. Judge Derek R. Vaughn quoted: To Attorney Chatelain, "This case is over because this case has already been dismissed, a judge recused and its now on appeal in the federal court." After Judge Derek R. Vaughn made that admission on record before the court reporter, he tells **KNIGHT aka Knight Bey** she could leave the court, but after she walks out the courtroom a witness admits she saw Attorney Chatelain hand Judge Derek R. Vaughn a piece of paper. For that reason, Judge Derek R. Vaughn is guilty of aiding unauthorized practice of law under DISCIPLINARY RULES DR 3-101 Aiding Unauthorized Practice of Law.11 (B) A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction. On Monday morning **August 26, 2019**, the *Plaintiff* was unlawfully evicted by a no-knock search warrant home invasion involving private persons who acted in the capacity of persons acting under color of state law. A judge acting without subject-matter jurisdiction is acting without judicial authority. Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821) The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution", he "comes into conflict with the superior authority of that

Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis supplied in original]. State officials may be sued as individuals in § 1983 actions. Brokaw v. Mercer County, 235 F.3d 1000 (7th Cir. 2000). On September 12, 2019, Judge Derek R. Vaughn FILED a three-page retaliation ORDER denying *Plaintiffs*' Motion for Writ of Coram Nobis. Which violated Nebraska Statute Carlsen v. State, 129 Neb. 84, 261 N.W. 339 (1935) The writ of error coram nobis provides a corrective judicial process that the Constitution guarantees **shall not be denied**. Rankin v. Howard, (1980) 633 F. 2d 844, cert den. *Plaintiff KNIGHT* alleges §1983 First Amendment retaliation against Judge Derek R Vaughn. For his written statements within his three-page retaliatory letter were factually bases and will not change over time. KNIGHT suffered adverse attentions caused by Judge Derek R. Vaughn's retaliatory intent, "sufficient evidence exists to create a factual question for a jury."

(quoting *Henry v. Johnson*, 950 F.3d 1005, 1014 (8th Cir. 2020) *Plaintiff KNIGHT* in her First Amendment retaliation claim can show the requirements that Judge Derek R. Vaughn (1) he engaged in First Amendment-protected activity, and (2) that a government official took adverse action against her that would chill a person's First Amendments rights. Burbridge v. City of St. Louis 8th Circuit panel held June 25 the panel wrote that "a reasonable jury could conclude that Officer Biggins's use of excessive force was done in retaliation for Drew's First Amendment activity." Thus, the panel concluded that the district court's denial of qualified immunity was proper, and the lawsuit could proceed. Further Judge Derek R. Vaughn in his three-page retaliatory letter makes the statement, "As a result of the Knight's actions and her failure to follow the Court's Order's, she was removed from the Courtroom on August 23, 2019. On

August 23, 2019, Judge Derek Vaughn keep asking me to be quite when I had the right to speak because he at that time had no judicial authority to act. On August 23, 2019, Judge Derek R. Vaughn was acting as a Judicial Trespasser of the Law. As such he was committing a criminal Act of Treason at the time, he claims he removed Knight from the court which occurred because he kept asking Knight not to speak. For that reason, Judge Derek R. Vaughn violated the Knight's First Amendment right to freedom of speech. Section 1983 provides a vehicle for redressing claims of retaliation on the basis of the First Amendment, Further Judge Vaughn continued his retaliation against Knight aka Knight Bey when cancelled her Writ of Coram Nobis hearing scheduled for September 19, 2019. In his retaliatory letter date September 12, 2019, after he was *knowingly* aware she suffered adverse actions for his in actions in the form of a home invasion illegal search and seizure that occurred on August 26, 2019, at the hands of private persons and government employees acting under color of state law, without probable cause or a search warrant. For that reason, Judge Derek R. Vaughn violated the Knight's Fourth Amendment right to be free from unreasonable searches and seizures made in violation of the *Plaintiffs* U.S. Constitutional right. Moreover, the Knight's case was already removed to the federal court having subject-matter jurisdiction over diversity of citizenship cases. For that reason, "a reasonable jury could conclude that Judge Derek R. Vaughn's retaliation was aimed at Knight aka Knight Bey for First Amendment activity. In the manner which denial of qualified immunity is proper because pursuant to the doctrine of qualified immunity Judge Derek R. Vaughn admitted under oath in his August 23, 2019, hearing that Knight's case before his court was previously dismissed, a judge recused and on federal appeal. Thus, his own admission proves beyond a reasonable doubt to a reasonable person Judge Derek R. Vaughn knew he was acting in his Tribunal Court in the clear and complete absence of personal jurisdiction and

subject-matter jurisdiction. *Garcia v. City of New Hope* 8th Circuit. Here KNIGHT can prove the four elements in her First Amendment retaliation claim (1) Plaintiff KNIGHT was engaged in First Amendment protect activity on August 23, 2019; (2) that Judge Derek R. Vaughn actions would chill a reasonable person from continuing First Amendment protective activity; (3) the adverse action against KNIGHT was motivated at least in part by Knight's protected activity and (4) lack of probable cause to deny the Knight's writ of coram nobis. When a judge knows that **he lacks jurisdiction or acts in the face of clearly valid statutes expressly depriving him of jurisdiction**, judicial immunity is lost. *Lopez v. Vanderwater*, 620 F.2d 1229, 1235-37 (7th Cir.1980) (judge not immune for "prosecutorial" acts prior to biased decision).⁹ If the alleged agreement manifests Judge Derek R. Vaughn participation in a conspiracy, then proof of the agreement could form the basis of liability whether or not he is immune from liability for subsequent judicial acts. If a court lacks jurisdiction over a party, then it lacks "all jurisdiction" to adjudicate that party's rights, whether or not the subject matter is properly before it. *See, e. g., Kulko v. Superior Court*, 436 U.S. 84, 91, 98 S.Ct. 1690, 1696, 56 L.Ed.2d 132 (1978) ("[i]t has long been the rule that a valid judgment imposing a personal obligation or duty in favor of the plaintiff may be entered only by a court having jurisdiction over the person of the defendant") (citations omitted); *In re Wellman*, 3 Kan.App. 100, 45 P. 726, 727 (1896) (*ex parte* guardianship proceeding would be a "flagrant violation" of due process, rendering any order null and void).¹³ Because the limits of personal jurisdiction constrain judicial authority, acts taken in the absence of personal jurisdiction do not fall within the scope of legitimate decision making that judicial immunity is designed to protect. *See Gregory v. Thompson*, 500 F.2d at 63. We conclude that a judge who acts in the clear and complete absence of personal jurisdiction loses his judicial immunity. The Supreme Court resolved the issue in *Dennis v. Sparks*, ____ U.S. ___, 101 S.Ct.

183, 66 L.Ed.2d 185 (1980). The Court held that an immune judge's private coconspirators do not enjoy derivative immunity. at ___, 101 S.Ct. at 186. It follows that "[p]rivate parties who corruptly conspire with a judge in connection with such conduct are ... acting under color of state law within the meaning of § 1983." *Id.* at ___, 101 S.Ct. at 187. For that reason, private person **Earl Edward Biggs Jr.** shall be held liable. In any event, **KNIGHT** must prove that there was a conspiracy involving state action to deprive her of rights secured by the Constitution or federal laws. *Aldabe v. Aldabe*, 616 F.2d at 1092. Several courts have repeated this language indicating in dicta that both subject matter and personal jurisdiction are necessary to confer judicial immunity. *See, e. g., Duba v. McIntyre*, 501 F.2d 590, 592 (8th Cir.1974), *cert. denied*, 424 U.S. 975, 96 S.Ct. 1480, 47 L.Ed.2d 745 (1976) ("the judge must have both jurisdiction over the person and subject matter if he is to be immune from suit"); *Ryan v. Scoggin*, 245 F.2d 54, 58 (10th Cir.1957) (judge is immune for order or judgment when "court has jurisdiction of the subject matter and of the parties"). Indeed, when the limits of legitimate authority are wholly abandoned, the judge's act may cease to be "judicial." *See, e. g., Lopez v. Vanderwater*, 620 F.2d 1229, 1235 (7th Cir.1980) (judge's prosecutorial acts were nonjudicial; no immunity for such acts); *Gregory v. Thompson*, 500 F.2d 59, 64 (9th Cir.1974) (judge's use of physical force to evict person from courtroom was "simply not an act of a judicial nature"). *Cf. Note, Filling the Void: Judicial Power and Jurisdictional Attacks on Judgments*, 87 Yale L.J. 164, 165 (1977) (at English common law proceedings in court without jurisdiction were deemed *coram non judice* - "before one not a judge").

RONALD ROSS; In his individual and official capacity
Douglas County Constable

On August 26, 2019, Ronald Ross Douglas County Constable knowingly and intentionally committed a wanton act of negligence when he acted with criminal intent in violation of Douglas County Nebraska Ethics, policy, and customs. Further violating International Law, U.S. Law, and the U.S. Constitution when he chose to enjoin in rogue policing with City of Omaha Police Officers for the benefit of private gain, personal interest or for the interest of family, friends, business, or political associates. Constable Ron Ross misrepresentation caused catastrophic injury to the *Plaintiff* at the time of a premeditated act of fraud that breached public trust and conflicted with the federal Constitution. At his admission he was acting upon the direct command of recused Judge Darryl R. Lowe aka "The Blood Judge." Ron Ross failed to uphold his duty of care in the process of executing an illegal court ordered. Instead, of serving the order to the *Plaintiff* he held the order in his hand until a group of organized corrupt cops employed by the City of Omaha Police Department arrived on scene, at the direct command of a preplanned court order. Ron Ross held the illegal court document in his hand as he, and the corrupt cops and the private person Earl Biggs dressed in his "blood gang member" attire illegally trespassed onto my property and illegally entered my home on August 26, 2019. In violation of NE. Stat. 25-203. Actions for forcible entry and detainer of real property. Where tenancy by sufferance is terminated by statutory three-day notice, cause of action for forcible detainer accrues and statute runs from service of notice. Federal Trust Co. v. Overlander, 118 Neb. 167, 223 N.W. 797 (1929); Clark v. Tukey Land Co., 75 Neb. 326, 106 N.W. 328 (1905). As a Douglas County steward of public trust, Ron Ross was responsible for my property and failed to make his decisions according to policy using the proper channels of the government structure, free of improper influence. When he knowingly operated in the interest out-of-state citizen La Chelle Phillips. Constable Ron Ross violated 18 U.S. Code § 10 - Interstate commerce and foreign

commerce when he acted as an abettor when allowing the out-of- state citizen, multiple City of Omaha Police Officers and private actor Earl Biggs enter my home without a court ordered search warrant. *State v. Baldwin*, 193 N.C. 566, 137 S.E. 590, 591. Must have rendered assistance or encouragement to the perpetrator of the crime with knowledge of his felonious intent; offense of "aiding and abetting" being committed by person present who does some act or speaks some word aiding the actual perpetrator of the crime. *Combs v. Commonwealth*, 224 Ky. 653, 6 S.W.2d 1082, 1083. Must aid or commit some overt act or act of encouragement. *Long v. Commonwealth*, 288 Ky. 83, 155 S.W.2d 246, 247. One who so far participates in the commission of the offense as to be present for the purpose of assisting if necessary. *State v. Epps*, 213 N.C. 709, 197 S.E. 580, 583. The distinction between abettors and accessories is the presence or absence at the commission of the crime. *Cowell; Fleta, lib. 1, c. 34*. Presence and participation are necessary to constitute a person an abettor. Constable Ron Ross failed to avoid any action that would give a reasonably prudent person the impression that he was in fact not using his public employment for private gain; when he gave special treatment to an out-of-state citizen, private persons Earl Biggs, and a group of corrupted city cops; the right to enter my home without a search warrant, deface and destroy my property. On September 16, 2019, Constable Ron Ross returned to my home/religious study site at which time he and City of Omaha Police Officers let the private actor Earl Biggs take possession over my home and all personal and intellectual property. That resulted in my entire house being robbed, including my motor vehicle being stolen by private persons at the direct involvement of persons acting under of color of law. For that reason, Ron Ross acted as an accessor to a crime of grand larceny when he failed to be neutral in conducting County business. The Eighth Circuit's 2007 decision in *Wickersham v. City of Columbia*. The direct role of the Columbia police in enforcing [the

private organization's] speech restrictions provided the critical nexus between the challenged conduct and the exercise of state authority." The contributions of the Columbia police go beyond the kind of neutral assistance that would normally be offered to private citizens in enforcing **the law of trespass**. . . . Here, the police department's security plan instructed the officers to enforce [the private organization's] rules rather than city ordinances, and police took an active role in identifying and intercepting protesters at the air show **When a private entity has acted jointly and intentionally with the police pursuant to a customary plan, it is proper to hold that entity accountable for the actions which it helped bring about.** "Intent to defraud need not be proved by direct evidence." Brown, 627 F.3d at 1073 (quotation omitted). "Provided the victims suffered some tangible loss—as they did here—the scheme itself often serves as evidence of a defendant's intent to defraud." United States v. Ervasti, 201 F.3d 1029, 1037 (8th Cir. 2000) (quotation omitted.) The Eighth Circuit UNITED STATES of America, Appellee, v. Michael W. JOHNSON, Appellant. No. 04-1839. Decided: August 17, 2005. We conclude that the Missouri offense of "tampering by unlawful operation," much like automobile theft, is a discrete offense which qualifies as a violent felony under § 942(e)(2)(B)(ii). In Sun Bear, we held that the Utah offense of attempted automobile theft is a crime of violence for purposes of U.S.S.G. § 4B1.1 because the attendant conduct and circumstances create a serious potential risk of physical injury to another. Sun Bear, 307 F.3d at 752-53. We subsequently applied the reasoning of Sun Bear to conclude that the Missouri offense of automobile theft is a violent felony for purposes of § 924(e)(2)(B)(ii) because it presents the same serious potential risk of physical injury to another. Sprouse, 394 F.3d at 580-81. The Missouri offenses of "tampering by operation" and "automobile theft" differ only with respect to the permanence of the offender's intent to deprive the owner of possession. In violation of the Fifth Amendment's Takings Clause,

which is applicable to the states under the Fourteenth Amendment, provides: “[N]or shall private property be taken for public use, without just compensation.” U.S. Const. amend. V. The Takings Clause protects property owners from both physical and regulatory takings—the “direct appropriation of property” by governmental actors and imposition of “restriction[s] on the use of property that went ‘too far.’” *Horne v. Dep’t of Agric.*, 576 U.S. 350, 360 (2015) (quoting *Penn. Coal Co. v Mahon*, 260 U.S. 393, 415 (1922)). In either event, “[t]he government must pay for what it takes.” *Cedar Point Nursery*, 141 S. Ct. at 2071. The Supreme Court has explained that the constitutional prohibitions on bills of attainder “reflect[] the Framers’ belief that the Legislative Branch is not so well suited as politically independent judges and juries to the task of ruling upon the blameworthiness of, and levying appropriate punishment upon, specific persons.” Individuals who believe they are subject to a bill of attainder may challenge the relevant legislation in court. If a court finds that the legislation is a bill of attainder, it can declare the law unconstitutional. As a result, Douglas County Constable Ronald Ross did not comply with the Douglas County Nebraska Department Official’s statement of expectations for work, performance, and conduct. He failed to maintain a standard of conduct and level of performance that is essential for the efficient, effective, and safe operation of the County. Constable Ron Ross patterned behavior of bias policing, sexual harassment, disparate treatment, and his rogue attitude defined the *Defendants*’ premeditated actions of fraud, breach of public trust, willful admission and his conscious decision making to War against the Constitution. As a person acting under the color of law, he intentionally deprived the *Plaintiff* of her rights and privileges protected by the Constitution and laws of the United States pursuant to Section 242 of Title 18. Constable Ron Ross violated the *Plaintiff*’s 14th Amendment right to Equal Protection, 4th Amendment right to unreasonable searches and seizures by the government, 5th Amendment

right against Double Jeopardy, and 8th Amendment right against cruel and unusual punishment. Moreover, Constable Ron Ross violated the *Plaintiffs* human rights pursuant to the International Human Rights Standards for Law Enforcement citing, "The Human Rights of Women." Women are entitled to the equal enjoyment and protection of all human rights in the political, economic, social, cultural civil and all other fieldscliv. These rights include, *inter alia*, the rights to life: equality; liberty and security of the person; equal protection under the law; freedom from discrimination; the highest attainable standard of mental and physical health; just and favourable conditions of work; and freedom from torture or other cruel, inhuman or degrading treatment or punishmentclv. Violence against women may be physical, sexual or psychological, and includes battering, sexual abuse, dowry violence, marital rape, harmful traditional practices, non-spousal rape and violence, sexual harassment, forced prostitution, trafficking in women, and exploitation-related violenceclvi. Violence against women, in all its forms, violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedomsclvii. Police shall exercise due diligence to prevent, investigate and make arrests for all acts of violence against women, whether perpetrated by public officials or private persons, in the home, the community, and in official institutionsclviii. Police shall take rigorous official action to prevent the victimization of women and shall ensure that revictimization does not occur as a result of the omissions of police, or gender-insensitive enforcement practicesclix. Violence against women is a crime, and must be treated as such, including when occurring within the familyclx.

ETTA CARLISLE; In his individual and official capacity
Douglas County Assistant Court Administrator

On both April 24, 2019, and May 22, 2019, **Etta Carlisle** Douglas County Assistant Court Administrator with 47 years of on-the-job experience *knowingly* and *intentionally* violated NE Stat. 25-2214. Clerks of courts; general powers and duties; The clerk of each of the courts shall exercise the powers and perform the duties conferred and imposed upon him by other provisions of this code, by other statutes and by the common law. In the performance of his duties, he shall be under the direction of his court. Rather than avoid constitutional conflict pursuant to NE. Stat. 25-2802. Small Claims Court jurisdiction Etta Carlisle chose to behave with malice, deliberate contempt, and rudeness towards then State of Nebraska citizen KNIGHT. The *Plaintiff* engaged in several cease and desisted face-to-face contact visits with Etta Carlisle demanding that she uphold her oath of office and perform her duty to the public as it pertains to the Nebraska Small Claims Court Law and stop continuously letting Attorney John C. Chatelain in partnership with Chatelain Maynard Law Firm, 440 Regency Parkway Dr. #132, Omaha, NE 68114 United States (402) 333-8488 file dishonest, frivolous, and fraudulent RESIDENTIAL LANDLORD AND TENANT ACT OR FORCIBLE ENTRY AND DETAINER cases against her in the wrong court for the benefit of a private person being an out-of-state citizen from the STATE OF TEXAS. I informed Etta Carlisle that she was obstructing justice by aiding and abetting a criminal act in violation of both state and federal law that conflict with the U.S. Constitution by *intentionally* allowing Attorney John C. Chatelain to commit fraud in the Douglas County Nebraska court and by her excepting his payments for fraudulent and frivolous case filings outside the jurisdiction of the Douglas County Court she was willfully conspiring in a premeditated criminal act to commit fraud on the court in violation of federal trust law and in violation of Nebraska Small Claims Court Law. *Plaintiff* Knight explained to Etta Carlisle repeatedly that she was not a tenant, and she did not have a landlord and that Knight aka Knight Bey is in an implied trust situation in

which she has provide money to out-of-state private persons for the purchase of property, but Etta Carlisle found the entire situation demonically humorous. Etta Carlisle was the absolute face of evil, she had a rude attitude, she was rooted in rogue behavior, and she held a ruthless demeanor. Etta Carlisle had no respect for the *Plaintiff* nor the rule of law. Etta Carlisle abused her position of authority, she thought she was above the law, because she had the backing of her supervisor and servant superiors who were also corrupted government employees with the intent to cause harm of the Blood and Forfeiture of *Plaintiff* Knight aka Knight Bey. As such issues arising under the U.S. Constitution occurred pursuant Article III, § 3, cl. 2. "The Confiscation Act of 1862", an act that was accompanied by an explanatory joint resolution which stipulated that only a life estate terminating with the death of the offender could be sold and at his death his children could take the fee simple by descent as his heirs without deriving any title from the United States. In applying this act passed pursuant to war power. For that reason, Etta Carlisle's failure to separate powers breached public trust and her oath to the U.S. Constitution. Her wanton act of negligence violated Douglas County Nebraska ethics policy as a steward of public trust she did not make her decision using the proper channels of the government structure, free of improper influence. Etta Carlisle did not act in the best interests of then Nebraska citizen "Knight" she acted in the interests of friends and business. She did not avoid any action that would give a reasonably prudent person the impression that she was not using her public employment for private gain; when she "knowingly" rendered special treatment to person Attorney John C. Chatelain in partnership with "Chatelain and Maynard Law Firm." Etta Carlisle failed to be neutral in conducting County business. She did not ensure that Douglas County policies, practices and decision-making processes were free from the undue pressure of any special group, individual or organization. Further she did not conduct Douglas County business

in accordance with federal and state laws and regulations. For that reason, Etta Carlisle is liable for Section 1983 damages on the criminal side of 18 U.S.C. Section 241 and 18 U.S.C. Section 242 for willfully conspiring with two or more people to deprive Knight of her right under the 5th and 14th Amendment Equal Protection Clause that requires states to practice equal protection. The 5th Amendment say's to the federal government that no on shall be "deprived of life, liberty, or property without due process of the law."

22-25

RONALD MURTAUGH; In his individual and official capacity
Douglas County Judicial Administrator

On May 8, 2019, through September 12, 2019, **Ronald Murtaugh Judicial Administrator-Douglas County Court** refused to uphold his ethical duty an administrator daily operation as court liaison for the Government Douglas County. When he failed to supervise and direct his Douglas County employees that they must carry out their job responsibilities in accordance with the following principles: That they are stewards of public trust, responsible for the property, they make decisions and policies using the proper channels of the government structure, free of improper influence; they shall act in the best interests of Douglas County, our citizens, taxpayers and communities, and not for any personal interest or for the interest of family, friends, business or political associates; they should avoid any action that would give a reasonably prudent person the impression that we are using our public employment for private gain; giving special treatment to any person or group; or failing to be neutral in conducting County business; they must ensure that policies, practices and decision-making processes are free from the undue pressure of any special group, individual or organization; and conduct Douglas County business in accordance with federal and state laws and regulations. Ronald Murtaugh showed bias abuse

of discretion and prejudice towards the *Plaintiff* when he chose to breach public trust and War against both the state and federal Constitution when he chose to ignore *Plaintiffs* demand that he examines the law of jurisdiction and the fraudulent documents that were being illegally filed and submitted into the “wrong court” of Douglas County Small Claims Court by Attorney John C. Chatelain in partnership with “Chatelain and Maynard Law Firm.” Ron Murtaugh allowed Nebraska BAR Attorney John C. Chatelain to enter a diversity of citizenship case into the wrong jurisdiction of the Douglas County Small Claims Court. Upon *Plaintiff* Knight informing him the attorney’s filing was not only illegal because private persons are not allowed to be represented by an attorney in Small Claims Court, but his claims were false, and the party Attorney John C. Chatelain was representing was not a landlord and furthermore an out-of-state citizen from the state of Texas in which he had no license to practice law across state-lines. In violation of the law of interstate commerce. The Commerce Clause refers to Article 1, Section 8, Clause 3 of the U.S. Constitution, which gives Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes. *Plaintiff* Knight aka Knight Bey explained to Ron Murtaugh he was allowing fraud on the court to be committed under his supervision. For that reason, Ron Murtaugh shall be held liable for Section 1983 Liability of Supervisor Relationship Between Individual and Municipal Liability because he violated the *Plaintiff’s* federally protected rights under the Douglas County Nebraska “policy” and in doing so violated the *Plaintiff’s* federally protected under the U.S. Constitution allowing compensatory damages for constitutional violations against the County. In Los Angeles v Heller the Second Circuit replied, in part, upon societal importance of holding “a municipality accountable where official policy or custom has resulted in the deprivation of constitutional rights.” The Supreme Court in Owen v City of Independence explained how “costs” are allocated. Fraud upon the court

in obtaining a complaint, information, or indictment invalidates all orders of the court and causes the case to be null and void ab initio. "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. **Ronald Murtaugh Judicial Administrator-Douglas County Court** failure in his management of Douglas County Court went unutilized. Thus, violated Douglas County discipline and ethics policy or customs at which time Ron Murtaugh failed to conduct Douglas County business in accordance with federal and state law and regulations depriving *Plaintiff* Knight of her right under the 5th and 14th Amendment Equal Protection Clause that requires states to practice equal protection. The 5th Amendment say's to the federal government that no one shall be "deprived of life, liberty, or property without due process of the law."

GRANT A. FORSBERG; In his individual and official capacity
Douglas County Judge 4th Judicial District

On October 15, 2019, Douglas County Judge Grant A. Forsberg "knowingly and intentionally" acted as a trespasser of the law when he held a sham hearing in the County Court of Douglas County, Nebraska under case no: CR19-23886. At which time he lacked total and complete prosecutorial and judicial jurisdiction over the persons and the fabricated subject-matter. The criminal complaint was a total and complete false and furthermore falsified Knight's aka Knight Bey's address as being 5132 HARTMAN AVE., OMAHA, NE 68102. Further the criminal

complaint falsifies alleged criminal activity of: Damage to Property on **September 16, 2019**, within the City of Omaha, Douglas County contrary to the Ordinance of the City of Omaha and against the peace and dignity of the State of Nebraska did purposely or knowingly tamper with or damage the property of LACHELLE PHILLIPS. (Penalty: OMC 1-10) on or about the 16th day of September 2019 within the City of Omaha, Douglas County, Nebraska contrary to the Ordinance of the City of Omaha and against the peace and dignity of the State of Nebraska did purposely or knowingly enter or be upon the property of without being invited, licensed, or privileged. (Penalty: OMC 1-10). WITNESSES for the STATE OF NEBRASKA: City of Omaha Police Officer TYLER J VINCENT #1818, LA CHELLE PHILLIPS, and EARL BIGGS JR. In this matter witness La Chelle Phillips is an out-of-state citizen of the State of Texas and for that matter she could not have witnessed anything happening in Douglas County, Nebraska on September 16, 2019, because was she not in the State of Nebraska on September 16, 2019. On September 16, 2019, La Chelle Phillips was party to a federal civil action at the time of these falsified criminal actions; filed against KNIGHT aka Knight Bey which conflicts with mixed law and mixed fact in violation of judicial trespassing and separation of powers involving a federal civil action presently under the jurisdiction of the federal court involving a controversy over more than \$75,000 in relation to an implied trust situation in which KNIGHT aka Knight Bey and others provided money to out-of-state private persons La Chelle Phillips and her husband Arthur Phillips for the purchase of real estate property located at 5403 GRAND AVENUE in Douglas County, Omaha, Nebraska 68104. For that reason, that gave the State of Nebraska witnesses no right to trespass upon the property being purchase by KNIGHT aka Knight Bey and others. For that reason, the two other witnesses for the State of Nebraska being Omaha Police Officer TYLER J VINCENT #1818 and EARL EDWARD BIGGS JR were the actual trespassers on September 16, 2019, who are now

both parties to a federal civil action regarding this same matter that resulted in an act of criminal conspiracy and felonious theft of grand larceny "joined at the meeting of the minds" by a private persons and persons acting under color of state law. Moreover, on October 15, 2019, the witnesses for the STATE OF NEBRASKA failed to appear in court. The only person presents in the Douglas County, Courtroom on the **October 15, 2019**, was Sherman Thomas aka Sherman Thomas Bey and Knight aka Knight Bey present by phone. With Sherman Thomas aka Sherman Thomas Bey present in courtroom Judge Grant A. Forsberg illegally issued a warrant against his person because Mr. Thomas aka Brother Thomas Bey explained that he was not SHERMAN THOMAS he was acting in the interest of the estate of SHERMAN THOMAS and for that reason Judge GRANT A. FORSBERG acting as agent for the STATE OF NEBRASKA issued his illegal bench warrants against PHYLLIS M. KNIGHT, Phyllis M. Knight Bey, and Sherman Thomas. For that reason, Judge Grant A. Forsberg acted as judicial trespasser of the law acting without judicial authority in violation of the federal interstate commerce law. At which time he defamed the character of Knight aka Knight Bey and in doing so he deprived Knight of 'Equal Justice Under Law' under the 14th Amendment Equal Protection right clearly established at the time of Judge Forsberg's conduct. Douglas County Court case no: CR19-23886 should have been dismissed by default because of the accuser's failure to appear in court on October 15, 2019, and furthermore the court lack personal jurisdiction over out-of-state citizen La Chelle Phillips and the criminal subject-matter if it held any truth would belong in the jurisdiction of an Article III Court pursuant to Article III Section 2 and Section 3 of the U.S. Constitution. In this matter, because the STATE OF NEBRASKA claimed to be the injured party jurisdiction fell within the U.S. District Court for the District of Nebraska. For that reason, Judge Forsberg use of bias abuse of discretion violated federal law that came into conflict the federal constitution. Further, because Judge Grant Forsberg

had no authority to act when bringing frivolous criminal charges against KNIGHT aka Knight Bey the charges are void as a violation of the Supremacy clause. The fabricated charges are void due to vagueness therefore it was a total and complete failure to charge a crime. For that reason, Judge Grant Forsberg is responsible for committing a wrongful act of libel criminal defamation through his fabricated written statement issued in his bench warrant against Knight aka Knight Bey on **October 21, 2019**, alleging she committed punishable crimes. Section 1983 – Malicious Prosecution best describes the color of law violation committed by Judge Grant Forsberg's who conspired with two private persons and a person acting under color of state law when he knowingly falsified criminal allegations against Knight aka Knight Bey. Judge Forsberg's damaging written statements of Knight aka Knight Bey caused severe monetary losses, emotional suffering, and reputational damage. The damages in which *Plaintiff* Knight suffered is a direct result of Judge Grant Forsberg's false allegations and failure to apply the law correctly when he alleged that Knight aka Knight Bey was a criminal rather than an honest consumer with the right to privately contract with out-of-state citizens. For that reason, **Section 1983 Liability of Defamation** occurred at the hands of Douglas County Judge 4th Judicial District Judge Grant A. Forsberg who mixed public vs private in a case of mixed law and mixed facts. At which time actual malice occurred. For that reason, Judge Grant Forsberg while acting under color of state law makes him liable for malicious prosecution when acting as a trespasser of the law. Judge Grant Forsberg criminal defamation of Knight aka Knight Bey was purposely exaggerated. The false criminal allegations about Knight aka Knight Bey were communicated to Judge Grant Forsberg through a third party, without the show of probable cause, lacking admissible evidence, and the statements were unprivileged and caused damage to *Plaintiffs* reputation and mental and emotional status. At which time the *Plaintiff* a career artist suffered catastrophic losses of personal and intellectual

property and including her motor vehicle. Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821). Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

2021-07-12

BRIAN PARIZEK: In his individual and official capacity

Douglas County Sheriff Sergeant
Nebraska Sheriff's offices - nesheriffsassoc.org

On August 26, 2019, Douglas County Sheriff Sergeant Brain Parizek #5341 made a willful, deliberate, and malicious decision not to arise to his duty and power as a law enforcement on a county level, ensuring that all local, state, and federal laws are followed. When having probable cause to act in his official duty to recall a retaliatory and illegal Writ of Restitution issued against the *Plaintiff* by the Douglas County Small Claims Court lacking total and complete jurisdiction over *Plaintiffs* civil action that was on appeal in the federal circuit court involving an implied trust situation in which Knight aka Knight Bey and others provided money to out-of-state private persons La Chelle Phillips and her husband Arthur Phillips for the purchase of real estate property located at 5403 GRAND AVENUE in Douglas County, Nebraska 68104. On August 26, 2019, Douglas County Sheriff Sergeant Brian Parizek “*knowingly*” received in his office a faxed notice sent to the Omaha, NE, Douglas County Sheriff's Civil Process Division located at 1616 Leavenworth Street, 68102, sent from The Eighth Circuit Court of Appeals Deputy Court Clerk “Robin Weinberger” notifying the Douglas County Sheriff's Office that the *Plaintiffs* case was on appeal under the jurisdiction of the U.S. Federal Circuit Court. On August 26, 2019, the

faxed notice was received and processed by Douglas County Sheriff's Civil Process Division employee by the name "Amanda." The Eighth Circuit Court of Appeals Deputy Court Clerk "Robin Weinberger" included in her fax the *Plaintiffs* in forma pauperis approval filing. At which time the Douglas County Sheriff's Civil Process Division received Orders from *Plaintiff* to serve on August 27th, August 28th, and August 30th at the attention of: The Douglas County Constable Ron Ross, Douglas County Court Judge Sheryl L. Lohaus, Douglas County Court Judge Darryl R. Lowe, Douglas County Court Judge Derek R. Vaughn, and Attorney John C. Chatelain of "Chatelain and Maynard Law Firm." When Douglas County Constable Ron Ross failed to adhere to the Order and remove the trespassing stickers off the *Plaintiff*'s property. The *Plaintiff* made several trips back to the Douglas County Sheriff's Office asking to speak with the sergeant in charge, but she kept being told he was not available. On September 15, 2016, when the *Plaintiff* returned to her property/religious study site and change the locks on her home. On that same day of September 15, 2016, City of Omaha Police Officers and private person Earl Edwards Biggs Jr. returned to her home again having Big Red Locksmith change the locks on her home for the second time twice putting her life, liberty, and freedom to be left alone in jeopardy; denying her the right to seclusion too worship in her home/religious space free from domestic terrorism, intrusion, and illegal searches and seizures. On September 16, 2016, the *Plaintiff* returned to the Douglas County Sheriff's Office and spoke with Douglas County Sheriff Sergeant Brian Parizek #5341, but he refused to act and exercise his common law powers and sovereignty under the state constitution to execute and administer the state law. Instead, he instructed the *Plaintiff* Knight aka Knight Bey and her Tribal Brothers to go over to the Federal Courthouse and speak with the U.S. Marshall. An so we did; we spoke with U.S. Marshall # 30058 he gave us instructions to return to the property and call Big Red Locksmith and have

them come back out and change the locks. That situation resulted in private person Earl Edwards Biggs, City of Omaha Police Officers, and Douglas County Ron Ross taking over the *Plaintiffs* property again. On September 17, 2016, the *Plaintiff* and one of Tribal Brothers returned to the Douglas County Sheriff's Office and spoke with Sgt. Brian Parizek about making a police report against the City of Omaha Police Officers. At the same time demanding that he act and enforce the law pursuant to statutory/constitutional right to equal protection free from discrimination, but again Sgt. Brian Parizek chose to deprive the *Plaintiff* of her U.S. Constitutional rights. Rather breaching his public oath and public trust when refusing to honor the sheriffs code of ethics giving special trust and confidence to the citizens whom he has been elected to serve. Sgt. Brian Parizek again willfully failed to perform his duty an enforce his policing power to recall the illegal retaliatory WRIT and restore the *Plaintiffs* premises located at 5403 Grand Avenue, Omaha, NE 68104. Instead, Sgt. Brian Parizek failed to separate state powers. He chose to join in on an act of premeditated criminal conspiracy at the "meeting of the minds" with private person Earl Edwards Biggs Jr and government municipal servants operating under color of state law. Sgt. Brian Parizek abused his position of authority for personal gain for the benefit of friends, family, businesses, and in the interest of a foreign citizen/private person La Chelle Phillips from the State of Texas. Further Stg. Brian Parizek told the *Plaintiff* and her Tribal Brother they would have to go out to the Sheriff's Department located at 3601 N 156th Street, Omaha, NE to make their report against the City of Omaha Police Officers. As such, it is clear on its face Sgt. Brian Parizek's failure to enforce action in whole of schemes and criminal patterned behavior by reasonable suspension caused Knight aka Knight Bey's adverse injuries based on bias policing and disparate treatment of *Plaintiff* Knight aka Knight Bey on the basis of race, color and national origin pursuant to Nebraska Civil Rights Statute Chapter §20-503(1).

Sgt. Brian Parizek racist and rogue attitude defines his premeditated inactions and conscious decision to ignore, encourage and aid and abet a collateral attack of bias policing and sexual harassment against the *Plaintiff* Knight aka Knight Bey. When Sgt. Brian Parizek “knowingly” allowed City of Omaha Police Officers to operate outside the scope of their authority to commit a premeditated unconstitutional criminal act of a home invasion illegal asset seizure at the home/religious study site of *Plaintiff* Knight aka Knight Bey. Sgt. Brian Parizek’s official misconduct violated Douglas County Nebraska ethics, policy, and procedures. Further Sgt. Brian Parizek “knowingly” violated Nebraska Statute Laws pursuant to OFFICIAL MISCONDUCT BY A PUBLIC SERVANT: NE Stat. [28-924] It is unlawful for a public servant to: a. Knowingly violate any statute or lawfully adopted rule or regulation relating to his/her official duties. Classification: Class II Misdemeanor MISUSE OF OFFICIAL INFORMATION BY A PUBLIC SERVANT: NE. Stat. [28-925] It is unlawful for any public servant to do any of the following in contemplation of official action, or in reliance on non-public information accessed in an official capacity: a. Acquire a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or b. Speculate or wager on the basis of such information or - 137 - 2021 Edition official action; or c. Aid, advise, or encourage another to do the same with intent to confer on any person a special pecuniary benefit. Classification: Class III Misdemeanor OPPRESSION UNDER COLOR OF OFFICE: NE. Stat. [28-926] It is unlawful for any public servant or peace officer to: a. Designedly, willfully, or corruptly, b. Injure, deceive, harm, or oppress any person, c. Or attempt the same, d. By color of or in the execution of his/her office. Classification: The offender is also answerable to the party so injured, deceived, or harmed or oppressed in treble damages. Further Sgt. Brian Parizek violated Knight’s U.S. Constitutional Right to Equal Protection of the Laws under the 4th

Amendment, 5th Amendment, & 14th Amendment right to due process against illegal searches and seizures that was clearly established at that time. Sgt. Brian Parizek was not simply trying to maintain law and order in fact he was *knowingly* and *intentionally* inciting crime of rebellion and retaliation. *Kilpatrick v. King*, 499 F.3d 759, 768 (8th Cir. 2007) (concluding that a reasonable jury could infer retaliatory animus from the fact the adverse action “happened after” Sgt. Brian Parizek’s failure to intervene “at time of receiving notice of federal appeal” provided retaliatory basis for adverse action) it is a plausible conclusion. (“[T]hus, the temporal proximity of [the plaintiff’s] protected activity and [the adverse action] is relevant, enough on its own to create a triable issue of fact regarding cause where record of evidence supports finding a retaliatory motive and there is evidence that the Douglas County Sheriff Sergeant enjoin with the City of Omaha Police Officers acting under color of state law and private persons acted in bad faith.”). Sgt. Brian Parizek did not merely carry out his duty as he understood it, he was acting on rebellion and retaliatory animus. For that reason, Sgt. Brian Parizek is not entitled to qualified immunity. See *Stanley v. Finnegan*, 899 F.3d 623, 627 (8th Cir. 2018). The *Plaintiff* has established a course of action under Section 1983 for negligence of bias policing and disparate treatment in violation of Douglas County Nebraska ethics, policy, and procedures for failure to intervene causing adverse injuries (1) that deprived *Plaintiff* of her Constitutional Right to Equal Protection of the Laws under the 4th Amendment, 5th Amendment, & 14th Amendment right to due process against illegal searches and seizures that was clearly established at that time. (2) *Plaintiffs*’ rights were taken under color of State law: and (3) deprivation resulting in life long physical, financial, and mental injury.

Next ²

JON KRAMER; In his individual and official capacity

**Douglas County Sheriff Lieutenant Office of Professional Standards
Administrative Services Bureau**

On September 17, 2019, *Plaintiff* Knight aka Knight Bey and one of Tribal Brothers made the trip out the Douglas County Sheriff's Department located at 3601 N 156th Street to make their police reports against the City of Omaha Police Officers and the three Douglas County Judges (Lohaus, Lowe, and Vaughn). Deputy Chad Miller S405 of the Criminal Investigation Division Office direct the *Plaintiff* and her Tribal Brother to a conference room; after getting their information he left the room and when came back to the room he said, "My boss said I cannot make the report." We then asked, "Who is your boss?" He said, "Sergeant Jon Kramer." We then asked to speak with him. Deputy Chad Miller then leaves the room again and when he came back to the room he said, "The sergeant says, his too busy at this time to speak with you." So, we began asking Deputy Chad Miller, "Is this normal business practice and procedure or are we being discriminated against? And why do you need his permission to take our police report?" Deputy Chad Miller said, "Well he is the boss." Deputy Chad Miller then gave us his business card and said, "We can call back up there to the Sheriff's Department at a better time to see if the sergeant is free to talk." Deputy Chad Miller then escorts us to the front door of the Sheriff's Department. *Plaintiff* Knight aka Knight Bey immediately started making multiple phone calls to the Douglas Sheriff's Department asking to speak with Sgt. Jon Kramer each time she would leave her message with their office secretary by the name 'Vanessa.' On October 16, 2019, the *Plaintiff* received a call from Lee Dittman mental health Co-respondent Omaha NW precinct 402-444-3551 definition master's degree level therapist / license mental health (talk time 11:05 a.m. - 11:27 a.m.) Lee Dittman claims he called me because Secretary Vanessa asked me to give you a call to see if it was something I could do to help you. The called ended with no resolution, but before we disconnected, I told Lee Dittman have Sgt. Kramer call me." On that same day of

October 16, 2019, I later received a phone call from Sgt. Jon Kramer at 3:48PM. Sgt. Kramer also had Lee Dittman Co-respondent on the line with him. I explained my situation to Sgt. Kramer, and I told him I wanted to make a police report against the City of Omaha Police Officers, the three Douglas County Judges, the Douglas County Constable Ron Ross and Attorney John C. Chatelain who have enjoined in on a RICO Act crime against me. Sgt. Jon Kramer then said, "Phyllis is delusional, Phyllis is delusional! I said, "So you think this funny? Then I said to Lee Dittman, "Are you listening to this? Then Sgt. Kramer started laughing and again started repeating, "Phyllis is delusional, Phyllis is delusional! I then said, "You gone be delusional to when I call the (DOJ) Department of Justice... an before I could finish.... the phone hung up in my face. I tried calling Sgt. Kramer back, but I got the secretary and I asked her to transfer me to Sgt. Kramer." And when she did his voicemail came on and I left a message asking him if he was mentally and physically OK? And to return my call with an answer "yes or no" if my report was going to be taken by their office. I never heard from Sgt. Jon Kramer after October 16, 2019. For that reason, Sgt. Jon Kramer being a policymaking official clothed with the authority of the state law "knowingly and intentionally" misused his state authority to deprive the *Plaintiff Knight* of her federal [constitutional] [statutory] rights under color of state law. Sgt Jon Kramer's failure to intervene was an act of wrongful negligence that totally and completely breached public trust. Further breaching his sheriff's oath to the Constitution for the United States of America Article VI: The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution. Sheriffs are judicial officers and Sgt. Jon Kramer swore to the sheriff's oath; he did not uphold as quoted **Sheriffs Oath**: "I hereby do solemnly swear that I will support and defend

this Constitution for the United States of America, against all enemies, foreign and domestic, so help me God." Further Jon Kramer misused the authority of the Nebraska state statute, ordinance, regulation and custom. Further Kramer violated all Douglas County Nebraska policing ethics, policy, and procedures. Sgt. Jon Kramer when acting under color of state law deprived *Plaintiff* Knight of her rights protected under the 14th Amendment, the 4th Amendment, and the 5th Amendment. While at the same time, Kramer defamed Knight's character when he alleged, she was "delusional." See A.M. ex rel. J.M.K. v. Luzerne County Juvenile Detention Center, 372 F.3d 572, 580 (3d Cir. 2004) See also Brentwood Acad. v. Tennessee Secondary Sch. Athletic Ass'n, 531 U.S. 288, 295 n.2 (2001) ("If a defendant's conduct satisfies the state-action requirement of the Fourteenth Amendment, the conduct also constitutes action 'under color of state law' for § 1983 purposes."). For that reason, Sgt. Jon Kramer shall be held liable for 1983 Liability for Slander Defamation. On the criminal side Kramer is liable under 18 U.S.C. Section 242, which makes it a federal crime to willfully deprive someone of his/her constitutional rights or privilege protected by the Constitution or laws of the United States in which Kramer deprived Knight of her liberty and her property interest protected by due process. Pursuant to 18 U.S. Code § 241 Kramer conspired against Knight's rights when he failed to intervene and enjoin in conspiracy with third party municipal Omaha Police Officer Lee Dittman to cause injury, oppress and intimidate Knight by assaulting her character. For that reason, Sgt. Jon Kramer violated Douglas County Nebraska policy when failed to use actionable intelligence when he had credible evidence that a crime was being committed against Knight. Rather than protect and serve he joined in on the criminal schemes against Ms. Knight using bias policing and disparate treatment. That goes against Douglas County Nebraska procedure prohibiting against biased based policing. In addition, Sgt. Jon Kramer violated Douglas County Nebraska

ethics as an employee he failed to carry out his job responsibilities in accordance principles as a steward of the public trust, responsible for the property and resources of Douglas County. Jon Kramer failed to make decisions and policies using the proper channels of the government structure, free of improper influence. Jon Kramer failed to act in the best interests of Douglas County, citizens, taxpayers, and communities, and not for any personal interest of family, friends, business, or political associates. Jon Kramer failed to avoid any action that would give a reasonably prudent person the impression that he was using his public employment for private gain; giving special treatment to any person or group; or failing to be neutral in conducting County business. Jon Kramer failed to ensure that policies, practices, and decision-making processes are free from the undue pressure of any special group, individual or organization. Further Jon Kramer failed to conduct Douglas County business in accordance with federal and state laws and regulations. Sgt. Jon Kramer is in fact a [supervisor] liable for [subordinate's] conduct based on [supervisor's] failure to [adopt that practice] [follow that policy], by a preponderance of the evidence: [The existing custom and practice without [describe supervisory practice]] [the failure to follow the policy of [describe policy]] created an unreasonable risk due to purposeful discrimination for failure to adopt adequate policies that cause Knight's injury of losing all her personal property, intellectual property, papers, her motor vehicle and cash/money that was in her home/religious study site. 40, 50 (1999) (quoting *Blum v. Yaretsky*, 457 U.S. 991, 1002 (1982) (quoting *Shelley v. Kraemer*, 334 U.S. 1, 13 (1948))). Liability under Section 1983 "attaches only to those wrongdoers 'who carry a badge of authority of a State and represent it in some capacity, whether they act in accordance with their authority or misuse it.'" National Collegiate Athletic Ass'n v. Tarkanian, 488 U.S. 179, 191 (1988) (quoting *Monroe v. Pape*, 365 U.S. 167, 172 (1961)). "The traditional definition of acting under color of state law requires that

the defendant in a § 1983 action have exercised power ‘possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.’” West v. Atkins, 487 U.S. 42, 49 (1988) (quoting United States v. Classic, 313 U.S. 299, 326 (1941)). [Supervisor] Sergeant Jon Kramer was aware that this unreasonable risk existed. [Supervisor] Sgt. Jon Kramer was deliberately indifferent to that risk. [Subordinate’s] [describe violation] resulted from [supervisor’s] failure to [adopt] [describe supervisory practice]] [follow [describe policy]. For that reason, Sgt. Jon Kramer is liable for civil damages under Supervisory Liability Section 1983 for Deprivation of a Federal Rights, “Failure to Intervene, Liability in Connection with the Actions of Another – Municipalities – Statute, Ordinance or Regulation.

No. 10

CHAD MILLER; In his individual and official capacity
Douglas County Sheriff Deputy Criminal Investigation Division

On September 17, 2019, Deputy Chad Miller failure to intervene caused *Plaintiff* Knight both constitutional and personal injuries. Chad Miller’s failure to use common sense shows he lacks the personal qualities of integrity, honesty, upholding the laws of the state, conduct that warrants the public trust, and upholding the oath require for a Deputy employee with Douglas County Nebraska Criminal Investigation Division. Deputy Chad Miller admission that he failed to do his required job according to Douglas County Nebraska ethics, policy, and procedures to uphold both state and federals law because his boss Sgt. Jon Kramer told him he couldn’t. “Which brings about concern, where the standard for liability is whether state action ‘shocks the conscience; a political subdivision escapes liability for deliberately premeditated malicious conduct by carrying out its misdeeds through the joining at the “meeting of the minds” with co-conspirators municipal officials who clearly recognize that their orders are unconstitutional and

whose actions therefore shock the conscience.” The Fourth Amendment to the United States Constitution protects persons from being subjected to unreasonable seizures by the police. A law enforcement official may only seize a person. As such, Deputy Chad Miller intentionally violated Douglas County ethics to carry out his job responsibilities in accordance with the principles of stewards of public trust, responsibilities for property, acting in the interests of a Douglas County citizen and not for any personal interest or for the interest of family, friends, business, or political business. And in doing so led to the unconstitutional seizure of *Plaintiff* Knight’s personal and intellectual property caused by and unreasonable warrantless search. That goes against municipal customs coupled with state officers’ failure to conduct Douglas County business in accordance with federal and state laws and regulations caused *Plaintiff* Knight’s constitutional guaranteed protected rights to be violated under the Fourth Amendment, Fifth Amendment and Fourteenth Amendment. Whereas Deputy Chad Miller’s supervisors’ personal involvement in fact shows Sgt. Jon Kramer directed the wrongdoing in which he had actual knowledge that “Knight’s” Fourth Amendment, Fifth Amendment, and 14th Amendment right that was clearly established at that time he was directing Deputy Chad Miller to deprive “Knight” of those rights. Cf., e.g., *Horton v. City of Harrisburg*, 2009 WL 2225386, at *5 (M.D.Pa. July 23, 2009) (“Supervisory liability under § 1983 utilizes the same standard as municipal liability. See *Iqbal* Therefore, a supervisor will only be liable for the acts of a subordinate if he fosters a policy or custom that amounts to deliberate indifference towards an individual's constitutional rights.”). Pursuant to 42 USC §1986 - ACTION FOR NEGLECT TO PREVENT - Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such

wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; subordinate is violating someone's rights but fails to act to stop the subordinate from doing so, the factfinder may usually infer that the supervisor 'acquiesced' in (i.e., tacitly assented to or accepted) the subordinate's conduct." *Robinson v. City of Pittsburgh*, 120 F.3d 1286, 1294 (3d Cir. 1997). A supervisor with policymaking authority may also, in an appropriate case, be liable based on the failure to adopt a policy. See *A.M. ex rel. J.M.K.*, 372 F.3d at 586 ("Individual defendants who are policymakers may be liable under § 1983 if it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm.'") (quoting *Stoneking v. Bradford Area Sch. Dist.*, 882 F.2d 720, 725 (3d Cir.1989)). A supervisor incurs Section 1983 liability in connection with the actions of another only if he or she had "personal involvement in the alleged wrongs." *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1988). In the Third Circuit, "[p]ersonal involvement can be shown through allegations of personal direction or of actual knowledge and acquiescence." *Id.*; see also *C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d 159, 173 (3d Cir. 2005) ("To impose liability on the individual defendants, Plaintiffs must show that each one individually participated in the alleged constitutional violation or approved of it."); *Baker v. Monroe Tp.*, 50 F.3d 1186, 1194 (3d Cir. 19 1995) (noting that "actual knowledge can be inferred from circumstances other than actual sight"); *A.M. ex rel. J.M.K. v. Luzerne County Juvenile Detention Center*, 372 F.3d 572, 586 (3d Cir. 2004) (noting that "a supervisor may be personally liable under § 1983 if he or she participated in violating the plaintiff's rights, directed

others to violate them, or, as the person in charge, had knowledge of and acquiesced in his subordinates' violations"); *Black v. Stephens*, 662 F.2d 181, 24 189 (3d Cir. 1981)

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John Pankonin In his individual and official capacity
Douglas County Sheriff Sergeant Criminal Investigation Division

On 10/23/2019 @ 10:30AM *Plaintiff* Knight aka Knight Bey spoke with "Amanda" at the Omaha Douglas County Sheriff's Office. I asked to speak with the person in charge over the Sheriff's Office. She said, "His name is Tim Dunning, and his office is located at 3601 N. 156th Street and the contact number is (402) 444-6641." I contacted that office and asked to speak with Tim Dunning, and I was then transferred to the voicemail of Sgt. John Pankonin I left a voice message at 10:39AM. Sgt. Pankonin turned my call at 12:31PM. I asked him, "Was he related to Judge Pankonin?" He said, "Yes." I asked, "Is that judge a male or female?" He said, "It's a woman." I then asked, "What's her name?" He said, "I'm not going to tell you?" I said, "Is she your mother, sister, auntie, or cousin?" He said, "I'm not going to tell you." I said, "OK" but you are related? He said, "Yes, I already told you that!" I then began to explain the situation with my home/study site. He said, "Let me stop you there I am in the **Criminal Division** and your case is **Civil Matter**. I said, "Yes, a civil matter gone criminal because the police have broken into my house with the assistance of a locksmith and gave the key to a gang member." Sgt. Pankonin then asked, "Who have I been talking too about this matter?" I said, Chad Miller, Sgt Kramer, Chief Deputy Kenneth Kanger, and US Marshal Scott E. Kracil. He said, "Well Dr. Knight-Bey you better keep talking to those guys and get you and attorney." I then asked, "Are you also refusing to help me make a burglary report? So, are you all members of the KKK? He became speechless and then said, "I am going to let you go." I said, "Before you go are you refusing to do your job."

He then hung up the phone in my face." At that time Sgt. John Pankonin failure to intervene was clear on its face he was operating in conspiracy with his fellow state servants. Rather than fulfill his first level supervisory class in the sworn Deputy Sheriff class series. Sgt. Pankonin chose to violate the Douglas County ethics, policy, and procedures when he failed to enforce action by reasonable suspension of racial discrimination, actual racist and rogue attitude, bias policing, and intentional actions of disparate treatment of Knight. Through actionable intelligence credible evidence shows a criminal pattern of schemes against *Plaintiff* Knight aka Knight Bey joined in premeditated criminal conspiracy at the "meeting of the minds" of state servants and municipal servants operating under color of state law. Pursuant to [81-1848] Sgt. John Pankonin violated Nebraska statutory public policy of "victims rights" to provide a faster and more complete recovery by a victim from a crime who has suffered the effects of a serious felony as defined under [29-1129] to have any stolen or other personal property expeditiously returned by law enforcement when not needed as evidence. And the victims right to a speedy disposition of the case to minimize the time and stress in connection with the matter. Rather Sgt. Pankonin chose to cause more pain and punishment to Knight by violating NE. Stat. [28-206] aiding and abetting with other state and municipal officers in a criminal offense of terroristic threats, stalking, deception, unlawful taking, extortion, grand larceny etc. Sgt. John Pankonin "knowingly" and "willfully" took part in a collateral attack against Knight's constitutional protected right under the 14th Amendment, 4th Amendment and 5th Amendment that was clearly established at that time. Sgt. John Pankonin wanton negligence and misconduct was a failure to exercise ordinary care to prevent Knight from injury of a dangerous act being done against her Life, Liberty, and Property. For that reason, Sergeant John Pankonin a supervisor with policymaking authority is liable for Knight's injury based on his own inactions for failure to adopt Douglas County policy

subjected *Plaintiff* Knight to the deprivation of her federally protected rights.

No. 12

Timothy F. Dunning In his individual and official capacity
Douglas County Sheriff Chief

On June 4, 2020, Sheriff Chief Timothy F. Dunning “*knowingly*” and “*intentionally*” denied *Plaintiff* Knight service under Federal Rule of Civil Procedure Rule 4(c)(3) at her written request to server documents to Douglas County Court Judge Grant A. Forsberg mailed to the Douglas County Sheriff’s Civil Process Division by In Forma Pauperis *Plaintiff* Knight. The Douglas County Sheriff’s Office Civil Division falsified allegations in a letter dated 6/4/2020 signed by Timothy F. Dunning, Sheriff fabricating that *Plaintiff* Knight had an outstanding balance with their office an requires a deposit fee and a paid in full balance on all accounts in order to process and serve valid documents. And a copy of Knight’s statement has been provided with this letter. The letter and its allegations of an outstanding account balance is/was a total and complete false; it was in fact a letter of defamation, retaliation, and accountings fraud. Accounting fraud is a crime under state law and federal law. If the accountant, employee, or officer who committed the fraud is found guilty, then this person can be subject to **prison time**, in an action brought by the federal Department of Justice. In addition, the SEC (Security and Exchange Commission) can sue companies whose accounting fraud violates federal securities laws. Further at common sense Douglas County Sheriff Chief Timothy F. Dunning should have been the main person well versed in county ethics that states the county conduct of Douglas County business will be in accordance with federal and state laws and regulations. For that reason, Sheriff Chief Dunning should have been consciously aware he was in violation of statutes of fraud the foundational principle of common law that requires Federal Rule of Civil Procedure Rule 4(c)(3) to be enforce

by the Douglas County Civil Process Division when receiving a written record in their office on August 26, 2019, from the United States District Court District of Nebraska signed by Judge Richard G. Kopf clearly specifying party Knight was granted leave to proceed in forma pauperis without payment of fees in civil filing 8:19CV206. On August 12, 2019, a Notice of Appeal was filed by Knight and the case was forwarded to the United States Court of Appeals- Eighth Circuit for review and no order was filed revoking Knights in forma pauperis status in relation to the service fees Sheriff Chief Timothy F. Dunning was unlawfully billing to IFP party *Plaintiff* Knight in the amount of \$101.69 approximately a year after services was already provided pursuant to Federal Rule of Civil Procedure Rule 4(c)(3). For updated process serving legislation, please visit the Nebraska Judicial Branch website. 25-505.01. Service of summons; methods. 25-506.01.Nebraska Rules of Civil Procedure, Process Serving Rules www.serve-now.com/resources/process-serving-laws/neb...

25-542. Service of process; applicability.

Unless specifically provided to the contrary or the context otherwise requires, the provisions of Chapter 25, article 5, on service of process, as such provisions may from time to time be amended, shall apply to all civil proceedings in all courts of this state and to all proceedings under any statute which refers to or incorporates the general provisions on process or service of process. Source: Laws 1983, LB 447, § 37. The DCSO further prohibits its members from ignoring, encouraging, or condoning incidents of bias policing. The SHERIFF IS THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY “The Sheriff is the chief executive and administrative officer of a county, being chosen by popular election. His principal duties are in aid of the criminal courts and civil courts of record, such as serving process, summoning juries, executing judgments, holding judicial sales and the like. He is also the chief conservator of the peace within his territorial jurisdiction.” Harston v. Langston, Tex.Civ. App., 292 S.W. 648, 650.

When used in statutes, the term may include a deputy sheriff. *Lanier v. Town of Greenville*, 174 N.C. 311, 93 S.E. 850, 853.

Show us a County Sheriff that does not know the Law and we will show you a Lawless County. Because it is in the nature of unrestrained government servants to seize more and more power and control over the People and this is precisely why we need a true Lawman who takes pride in the knowledge of the Law. The office of the Sheriff is not to blindly enforce codes, rules, and statutes but to enforce the Law and constitutional statutes that prevent lawless servants from injuring the People; it's up to the Sheriff to "bind the government servant down from mischief by the chains of the Constitution." "If a nation expects to be ignorant and free... it expects what never was and never will be." - **THOMAS JEFFERSON**. The County Sheriff also has a duty to enforce the Common Law which is written by God in the hearts of men. There are two Common Law Principles that guide us in knowing the Common Law; (1) In order for there to be a crime there must be an injured party and the government in general cannot be the injured party. (2) For every injury there must be a remedy. This is the simplicity of God's Law, do not kill, do not steal, do not injure, do not trespass, etc.... We all know this! What separates the Sheriff from the police is the fact that police are code enforcement officers that answer to a political servant who has the power to fire. And if the political servant is lawless, so are the police!

Whereas the Sheriffs are Law enforcement officers, that answers to We the People directly at the ballot box. Therefore, the Sheriff will be as Lawful as his knowledge of the same. Shown plausible *perse* like father like son Sheriff Chief Timothy F. Dunning own inactions for failure to adopt Douglas County ethics policy, and procedure reflects his failure to properly train his

political servants. Sheriff Chief Timothy F. Dunning's personal involvement shows he had direct actual knowledge in the deprivation of *Plaintiff* Knight's constitutional rights. 42 USC §1986 - ACTION FOR NEGLECT TO PREVENT - Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; subordinate is violating someone's rights but fails to act to stop the subordinate from doing so, the factfinder may usually infer that the supervisor 'acquiesced' in (i.e., tacitly assented to or accepted) the subordinate's conduct." *Robinson v. City of Pittsburgh*, 120 F.3d 1286, 1294 (3d Cir. 1997). A supervisor with policymaking authority may also, in an appropriate case, be liable based on the failure to adopt a policy. See *A.M. ex rel. J.M.K.*, 372 F.3d at 586 ("Individual defendants who are policymakers may be liable under § 1983 if it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm.'") (quoting *Stoneking v. Bradford Area 10 Sch. Dist.*, 882 F.2d 720, 725 (3d Cir.1989)). A supervisor incurs Section 1983 liability in connection with the actions of another only if he or she had "personal involvement in the alleged wrongs." *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1988). In the Third Circuit,⁵⁸ ¹⁴ "[p]ersonal involvement can be shown through allegations of personal direction or of actual knowledge and acquiescence." *Id.*; see also *C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d 159, 173 (3d Cir. 2005) ("To impose liability on the

individual defendants, Plaintiffs must show that each one individually participated in the alleged constitutional violation or approved of it.”); *Baker v. Monroe Tp.*, 50 F.3d 1186, 1194 (3d Cir. 1995) (noting that “actual knowledge can be inferred from circumstances other than actual sight”); *A.M. ex rel. J.M.K. v. Luzerne County Juvenile Detention Center*, 372 F.3d 572, 586 (3d Cir. 2004) 21 (noting that “a supervisor may be personally liable under § 1983 if he or she participated in violating the plaintiff’s rights, directed others to violate them, or, as the person in charge, had knowledge of and acquiesced in his subordinates’ violations”); *Black v. Stephens*, 662 F.2d 181, 24 189 (3d Cir. 1981).

DUTY OF THE COUNTY SHERIFF The Sheriff is to support and defend the Law of the Land a/k/a the Constitution and the Laws of Nature’s God a/k/a Common Law by which the former is vested via We the People who are vested by the latter, not legislative bodies! We are a nation governed by the common laws of God which makes our Law superior and more Just than any other nation’s law. Therefore, the Oath of the County Sheriff is a Sacred Oath which, when violated, is a direct assault upon God whose judgement will not rest forever. - **THOMAS**

JEFFERSON professed America’s covenant between God and We the People when he penned the following: “When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable

Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed," For that reason, Sheriff Chief Timothy F. Dunning is liable under Section 1983 Supervisory Liability for failure to support and defend the law and failure to train political servants. As such being the causation of *Plaintiff* Knight's constitutional injuries that resulted in the loss of her personal and intellectual property.

No. 13

LACHELL BIGGS PHILLIPS – Section 1983 – Action under Color of State Law Determining Whether a **Private Person Conspired with a State Official**

“In this case raising a state-action issue private party LaChelle Biggs Phillips has taken the decisive step that cause the harm to *Plaintiff* Knight aka Knight Bey at the involvement of the State. The State provided Phillips a mantle of authority that enhanced the power of the harm-causing individual actor” Tarkanian, 488 U.S. at 192. Circumstances that can underpin a finding of state action include the following:

- A finding of ““a sufficiently close nexus between the state and the challenged action of the [private] entity so that the action of the latter may fairly be treated as that of the State itself.””
- A finding that “the State create[d] the legal framework governing the conduct.””
- A finding that the government “delegate[d] its authority to the private actor.””
- A finding that the government “knowingly accept[ed] the benefits derived from unconstitutional behavior.””
- A finding that “the private party has acted with the help of or in concert with state officials.””

For an instruction on private action in concert with state officials, see Instruction 4.4.3.

- A finding that the action ““result[ed] from the State's exercise of “coercive power.”””
- A finding that ““the State provide[d] “significant encouragement, either overt or covert.”””
- A finding that ““a nominally private entity . . . is controlled by an “agency of the State.”””
- A finding that ““a nominally private entity . . . has been delegated a public function by the State.””

No. 14

EARL EDWARD BIGGS JR – Section 1983 – Action under Color of State Law Determining Whether a Private Person Conspired with a State Official

“In this case raising a state-action issue private party Earl Edward Biggs Jr has taken the decisive step that cause the harm to *Plaintiff* Knight aka Knight Bey at the involvement of the State. The State provided Biggs a mantle of authority that enhanced the power of the harm-causing individual actor” Tarkanian, 488 U.S. at 192. Circumstances that can underpin a finding of state action include the following:

- A finding of ““a sufficiently close nexus between the state and the challenged action of the [private] entity so that the action of the latter may fairly be treated as that of the State itself.””
- A finding that “the State create[d] the legal framework governing the conduct.”
- A finding that the government “delegate[d] its authority to the private actor.”
- A finding that the government “knowingly accept[ed] the benefits derived from unconstitutional behavior.”
- A finding that “the private party has acted with the help of or in concert with state officials.”

For an instruction on private action in concert with state officials, see Instruction 4.4.3.

- A finding that the action ““result[ed] from the State's exercise of “coercive power.”””

- A finding that ““the State provide[d] “significant encouragement, either overt or covert.”””
- A finding that ““a nominally private entity . . . is controlled by an “agency of the State.”””
- A finding that ““a nominally private entity . . . has been delegated a public function by the State.””

No. 15

CHATELAIN AND MAYNARD LAW FIRM – Section 1983 – Action under Color of State Law Determining Whether a Private Entity Conspired with a State Official

“In this case raising a state-action issue private party entity Chatelain and Maynard Law Firm has taken the decisive step that cause the harm to *Plaintiff* Knight aka Knight Bey at the involvement of the State. The State provided Chatelain and Maynard Law Firm a mantle of authority that enhanced the power of the harm-causing individual actor” Tarkanian, 488 U.S. at 192. Circumstances that can underpin a finding of state action include the following:

- A finding of ““a sufficiently close nexus between the state and the challenged action of the [private] entity so that the action of the latter may fairly be treated as that of the State itself.””
- A finding that “the State create[d] the legal framework governing the conduct.”
- A finding that the government “delegate[d] its authority to the private actor.”
- A finding that the government “knowingly accept[ed] the benefits derived from unconstitutional behavior.”
- A finding that “the private party has acted with the help of or in concert with state officials.”

For an instruction on private action in concert with state officials, see Instruction 4.4.3.

- A finding that the action ““result[ed] from the State’s exercise of “coercive power.”””
- A finding that ““the State provide[d] “significant encouragement, either overt or covert.”””

- A finding that ““a nominally private entity . . . is controlled by an “agency of the State.”””
- A finding that ““a nominally private entity . . . has been delegated a public function by the State.”””

No. 16

KENNETH PORTER - CITY OF OMAHA POLICE OFFICER - Section 1983 – Liability in Connection with the Actions of Another -Municipalities – Statute, Ordinance or Regulation

“In this case raising a state-action issue City of Omaha Municipal Police Officer Kenneth Porter operating in his individual and official capacity when acting under color of state law has taken the decisive step that cause the harm to *Plaintiff* Knight aka Knight Bey at the involvement of the State. The State provided Kenneth Porter a mantle of authority that enhanced the power of the harm-causing individual actor” Tarkanian, 488 U.S. at 192. Circumstances that can underpin a finding of state action include the following:

- A finding of ““a sufficiently close nexus between the state and the challenged action of the [private] entity so that the action of the latter may fairly be treated as that of the State itself.””
- A finding that “the State create[d] the legal framework governing the conduct.”
- A finding that the government “delegate[d] its authority to the private actor.”
- A finding that the government “knowingly accept[ed] the benefits derived from unconstitutional behavior.”
- A finding that “the private party has acted with the help of or in concert with state officials.”

For an instruction on private action in concert with state officials, see Instruction 4.4.3.

- A finding that the action ““result[ed] from the State’s exercise of “coercive power.”””
- A finding that ““the State provide[d] “significant encouragement, either overt or covert.”””

- A finding that ““a nominally private entity . . . is controlled by an “agency of the State.”””
- A finding that ““a nominally private entity . . . has been delegated a public function by the State.””

No. 17

OTHER UNKNOWN OFFICERS - CITY OF OMAHA POLICE OFFICER -
Section 1983 – Liability in Connection with the Actions of Another –Municipalities – Statute, Ordinance or Regulation

“In this Section 1983 civil action against a political subdivision *Plaintiff* Knight is raising liability in connection with a state-action issue joined in conspiracy at the actions of another municipality in violation of Nebraska state statute, ordinance, or regulation and in violation of Omaha Police Department (OPD) policy and procedure. Officers shall adhere to the (OPD) “Search-Private Residences” policy when making a warrantless, non-consensual entry into a private residence. Pursuant to (OPD) procedure officers responding to personal property dispute-type calls will advise the disputants that they may pursue a replevin action through the courts: 1.) Officers SHALL NOT determine ownership of personal property. 2.) Officers SHALL NOT take property for one person to be given to another. That’s exactly what (OPD) officer Kenneth Porter and other (OPD) officers did. They gave away all of Knight’s personal property to be given to Phillip’s. That violated Knight’s federal constitutional right clearly established at that time under the 14th Amendment, 4th Amendment and 5th Amendment. When conspiring with Douglas County Nebraska servants operating under the color of state law liable for damages in connection with Dougals County Government ethics, policy, and regulations in accordance with federal and state laws. As a policymaker and steward of public trust Douglas County Sheriff Chief Timothy F. Dunning breached his oath of office for failure to use the proper channels of

the government structure, free of improper influence; in the best interests of Douglas County, the citizens, taxpayers and communities, and not for any personal interest or for the interest of family, friends, business or political associates; avoiding any action that would give a reasonably prudent person the impression that he was using his public employment for private gain; giving special treatment to any person or group; or failing to be neutral in conducting County business; ensuring that policies, practices and decision-making processes are free from the undue pressure of any special group, individual or organization. Further for his failure to train his employees that they too must carry out their job responsibilities in accordance with the principles regulated under the policy of the Douglas County Government Code of Ethics. Sheriff Chief Timothy F. Dunning a person in position with supervisory policymaking authority; overseer of Douglas County Sheriff's Department and Douglas County Sheriff's Civil Division gave the mantle of authority to the (OPD) officers that enhanced the power of the harm-causing damages under 42 U.S.C. § 1983. Further causing injury on the criminal side of 18 USC 241 and 18 USC 242 county servants and city servants joined in conspiracy to deprive Knight of her guaranteed constitutional rights protected under the 14th Amendment, the 4th Amendment, and the 5th Amendment. The Fourth Amendment prohibits police from searching an individual's home or business without a search warrant, even to execute an arrest warrant for a third person. In this matter the City of Omaha (OPD) operated outside the scope of their authority. When they chose to join at the "meeting of the minds" in a premeditated criminal conspiracy hate crime. While acting in concert under the authority of Douglas County Nebraska Small Claims Court Judicial Officers and the Douglas County Constables Office operating under color of state law to enforce an executed illegal Writ of Restitution and levying of Knight's personal and intellectual property in violation of interstate commerce diverse jurisdiction in an active federal civil action. For the

benefit of defendant third person Phillip's an out-of-state citizen from the State of Texas. It is clear that a municipality's legislative action constitutes government policy. "No one has ever doubted . . . that a municipality may be liable under § 1983 for a single decision by its properly constituted legislative body – whether or not that body had taken similar action in the past or intended to do so in the future – because even a single decision by such a body unquestionably constitutes an act of official government policy." Pembaur v. City of Cincinnati, 19475 U.S. 469, 480 (1986). Likewise, if the legislative body delegates authority to a municipal agency or board, an action by that agency or board also constitutes government policy. See, e.g., Monell v. Department of Social Services of City of New York, 436 U.S. 658, 660-61 (1978) (describing actions by Department of Social Services and Board of Education of the City of New York); *id.* at 694 (holding that "this case unquestionably involves official policy"). The city of Cincinnati frankly conceded that forcible entry of third-party property to effect otherwise valid arrests was standard operating procedure. There is no reason to believe that respondent county would abjure using lawful means to execute the capiases issued in this case or had limited the authority of its officers to use force in executing capiases. Further, the county officials who had the authority to approve or disapprove such entries opted for the forceful entry, a choice that was later held to be inconsistent with the Fourth Amendment. Vesting discretion in its officers to use force and its use in this case sufficiently manifested county policy to warrant reversal of the judgment below. Pembaur, 475 U.S. at 485 (White, J., concurring in part and in the judgment). Thus, the Jett Court's quote from Justice White's Pembaur opinion further supports the inference that the Jett Court did not give sustained attention to the contours of the custom branch of the municipal liability doctrine. It was error to dismiss petitioner's claim against the county. Ohio law authorizes the County Sheriff to obtain instructions from the County Prosecutor. The Sheriff

followed the practice of delegating certain decisions to the Prosecutor where appropriate. In this case, the Deputy Sheriffs received instructions from the Sheriff's Office to follow the orders of the County Prosecutor, who made a considered decision based on his understanding of the law and commanded the Deputy Sheriffs to enter petitioner's clinic. That decision directly caused a violation of petitioner's Fourth Amendment rights. In ordering the Deputy Sheriffs to enter petitioner's clinic to serve the capias on the employees, the County Prosecutor was acting as the final decisionmaker for the county, and the county may therefore be held liable under § 1983. Pp. 475 U. S. 484-485. Municipal liability under § 1983 attaches where -- and only where -- a deliberate choice to follow a course of action is made from among various alternatives by the official or officials responsible for establishing final policy with respect to the subject matter in question. Pp. 475 U. S. 481-484. In this matter Douglas County Chief Sheriff Timothy F. Dunning was the final decision maker who made a deliberate choice to follow a course of action made from among various alternatives in his official duty. Sheriff Chief Timothy F. Dunning was the official responsible for establishing final policy with respect to the subject matter in question of diversity of citizenship when he chose to ignore separation of powers in the course of business under federal jurisdiction sufficient to the rule of law being addressed in the fax notice sent from the Eighth Circuit Court of Appeals Deputy Court Clerk Robin Weinberger sent to Douglas County Sheriff Civil Division on August 26, 2019. Rather Douglas County Sheriff Chief Timothy F. Dunning the county official who had the authority to approve or disapprove such entries into Knight's residence opted for the forceful entry allowing the City of Omaha (OPD) to act as the final decisionmaker for the county, and the county may therefore be held liable under § 1983.

Relief

Plaintiff Knight ask the court to order relief from the *Defendant* Douglas County Nebraska for premeditated intentional civil damages under § 1983 caused by county government employees when acting under color of state law in their individual and official capacity deprived Knight of her guaranteed federal right protected under the 14th Amendment, the 4th Amendment, and the 5th Amendment. On the criminal side of 28 U.S.C. 241 & 28 U.S.C. 242 *Defendant* Douglas County Nebraska is liable for Section 1983 Supervisory liability for failure to intervene in connection with actions of another municipality, private entity and a private person when conspiring in an act of unlawful seizure that deprive Knight of her 4th Amendment federal right to be free from illegal searches and seizures. Made possible by intentional acts of treason caused by wanton acts of negligent judicial trespassing and malicious prosecution that would “shock the conscience” of reasonable person when the Douglas County Small Claims operated outside their jurisdiction in a “diversity of citizenship” case that was under review in the federal court. The tribunal county court retaliated against Knight by enforcing an Act held unconstitutional by Congress when issuing a “Writ of Attainder” aka “Bill of Attainder” ordering the levying of all Knights worldly possessions. *Plaintiff* Knight seek relief in the amount of \$5,000,000,000 [Five Billion Dollars] for catastrophic loss of worldly personal property, intellectual property, and religious property caused by county government employees who conspired with others at the time of knowingly operating outside the scope of their authority to commit a War Crime against the Constitution. For the sole purpose of enforcing a continuous preplanned patterned retaliatory hate crime targeting Knight using deputy gang activity to intimidate Knight by invading her private residence, making terroristic threats, removing her from her home and taking ownership of all

her worldly assets to give to another at the time of depriving Knight of her right to Life, Liberty and Freedom to be left alone in the seclusion of her home free from unwarranted invasion of privacy without a warrant, search warrant, or probable cause. *Plaintiff* Knight seeks punitive damages in the amount of \$25,000,000,000 [Twenty-Five Billion Dollars] liable for lies, wrongful levy, intentional negligence in the filing of a false claim, use of fraudulent documents, intentional fraud on the court, obstruction of justice, espionage, section 1983 slander defamation, violation against religious liberty, conspiracy to deny right to housing and violation of the Americans with Disabilities Act. *Defendant* Douglas County Nebraska county court has created a patterned behavior of entering false evictions against person *Plaintiff* Knight dating back to August 3, 1994. (“A *prima facie* case under § 1983 in which plaintiff can demonstrate she has never in her life been indigent an unable to pay her rent payment or mortgage payment). That would cause her to be evicted from her residence or foreclosure on her property. The *Defendant* Douglas County Nebraska has been allowing private entities and private persons to use their court and state agents to retaliate against Knight to deprive her of her right housing. There are several evictions docketed in their county court with eviction judgments (*SEE* related cases above) against Knight that Knight has never been to court for and never know anything about. Every eviction docketed against Knight in their county court are absolute and complete lies, misinformation, false claims, and false filing. That have caused Knight years of suffering from an intentional political scheme that has caused her severe mental anguish, intentional infliction, and emotional distress due to wrongful malicious gross negligence at the mind of government employees of the *Defendant* Douglas County Nebraska when operating under color of state law abused their position of authority to intentionally target & intimidate Knight depriving her of her 5th Amendment right to due process & 8th Amendment right against cruel & unusual punishment.

**OTHER CITE U.S. CIVIL STATUES, Declarations and Treaties
under which *Plaintiff* is filing**

OTHER STATUES:

- State of Nebraska Civil Rights Statute §20-503(1)
- NSS §20-501 – NSS-§20-505
- NSS §81-1414.07
- NSS §81-1401

DECLARATIONS:

Article 25 of the Universal Declaration of Human Rights recognizes the right to housing as part of the right to an adequate standard of living.^[1]

Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also guarantees the right to housing as part of the right to an adequate standard of living.^[1]

The right to housing is also enshrined in Article 28 of the Convention on the Rights of Persons with Disabilities, Article 16 of the European Social Charter (Article 31 of the Revised European Social charter) and in the African Charter on Human and Peoples' Rights.^[2] According to UN Committee on Economic, Social and Cultural Rights, aspects of right to housing under ICESCR include: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location and cultural adequacy.^[2] As a political goal, right to housing was declared in F. D. Roosevelt's 1944 speech on the Second Bill of Rights.

United Nations Declaration on the Rights of Indigenous Peoples, General Assembly resolution 61/295 (2007)

Committee on Economic, Social and Cultural Rights, general comment No. 5 (1994) on persons with disabilities (E/1995/22)

Human Rights Fact Sheets:*

No. 2 The International Bill of Human Rights (Rev.1)

No. 4 Combating Torture (Rev.1)

No. 9 The Rights of Indigenous Peoples (Rev.1)

No. 12 The Committee on the Elimination of Racial Discrimination No. 13 International Humanitarian Law and Human Rights

No. 22 Discrimination against Women: The Convention and the Committee

No. 25 Forced Evictions and Human Rights

No. 29 Human Rights Defenders: Protecting the Right to Defend Human Rights No. 30 The United Nations Human Rights Treaty System - An Introduction to the Core Human Rights Treaties and the Treaty Bodies-

TREATIES:

Treaty of Peace and Friendship

Sheriffs in the United States

In the United States, a sheriff is an official in a county or independent city responsible for keeping the peace and enforcing the law.^[1] Unlike most officials in law enforcement in the United States, sheriffs are usually elected, although some states have laws requiring certain law enforcement qualifications of candidates. Elected sheriffs are accountable directly to the citizens of their county, the constitution of their state, and ultimately the United States Constitution.^[2]

The responsibilities of sheriffs and their agencies vary considerably by county. Many sheriffs have the role of a police chief, though some lead agencies with limited law enforcement duties. Sheriffs are also often responsible for managing county jails and security at local government buildings

Nebraska[edit]

All Nebraska counties have sheriff's offices responsible for general law-enforcement functions in areas other than those covered by local city police departments. Sheriff's deputies in Nebraska are certified by the state law-enforcement commission and have full arrest powers

DOUGLAS COUNTY NEBRASKA ETHICS VIOLATIONS

<https://www.douglas.co.us/documents/employee-handbook.pdf/>

Ethics-Centered Government Douglas County's Ethics-Centered Government model shapes the environment in which we serve our citizens, taxpayers, and communities. As such, employees of Douglas County must carry out their job responsibilities in accordance with the following principles:

- We are stewards of the public trust, responsible for the property and resources of Douglas County;
- We make decisions and policies using the proper channels of the government structure, free of improper influence;
- We shall act in the best interests of Douglas County, our citizens, taxpayers and communities, and not for any personal interest or for the interest of family, friends, business or political associates;
- We should avoid any action that would give a reasonably prudent person the impression that we are using our public employment for private gain; giving special treatment to any person or group; or failing to be neutral in conducting County business.
- We must ensure that policies, practices and decision-making processes are free from the undue pressure of any special group, individual or organization;
- We conduct Douglas County business in accordance with federal and state laws and regulations.

The complete Ethics Centered Government policy may be found on DCNet.

DISCIPLINE

It is the responsibility of each employee to maintain a standard of conduct and level of performance that is essential for the efficient, effective, and safe operation of the County.

Each employee must at all times comply with the Department Official's stated expectations for work, performance, and conduct. An employee's failure to comply will result in appropriate disciplinary action up to and including termination and will be based on the facts and circumstances of the situation.

Management will determine which appropriate level of discipline would most effectively resolve the problem. The fact that the County has or has not utilized any of the various

CONFLICT OF INTEREST

County employees may not use privileged information or exert any undue influence as a result of their relationship with the County for personal gain or benefit or to benefit relatives, friends, and other acquaintances.

SHERIFF OF DOUGLAS COUNTY, NEBRASKA

<https://public.powerdms.com/DCSOF/list>

POLICY VIOLATION OF:

1. Actionable Intelligence: Credible evidence of specific unlawful incident and incidents, criminal pattern, and schemes against *Plaintiff*.
2. Bias Policing: Failure to enforce action based in whole of pattern behavior by reasonable suspension of intentional racial targeting, sexual harassment and religion of *Plaintiff*.
3. Disparate Treatment: Disparate treatment is an actual action of different treatment made against the Plaintiff on the basis of race, color and national origin. (NSS §20-503(1)).
Read this complete Nebraska Revised Statutes Chapter 20. Civil Rights § 20-503. Terms, defined on Westlaw
4. Implicit Bias: Racist and Rogue attitudes define the defendants' premeditated actions and conscious decision making to War against the Plaintiff, the Flag, and the Constitution.

PROCEDURE:

I. Prohibited Against Biased Based Policing

- A. Biased policing is a practice that represents a significant danger to the fundamental principles of a democratic society. Bias policing will not be used as reasonable suspicion or probable cause to justify any law enforcement activity.**
 - 1. The DCSO prohibits me from participating in any form of bias policing in the asset seizure and forfeiture efforts, and any law enforcement activity conducted by members.**
 - 2. Deputies will base their actions on persons conduct and other legally acceptable facts and circumstances presented during the incident and not on subjective reasons stemming from the occupants, racial or ethnic origin, gender, age, sexual orientation, or any other identifiable group/triat.**
 - B. The DCSO further prohibits its members from ignoring, encouraging, or condoning incidents of bias policing.**
 - 1. Members will immediately report all suspected incidents of biased policing to their Bureau Captain/Manager through the chain of command.**
 - C. The DCSO utilizes the following methods of prevention and enforcement in order to quickly identify and address any possible incidents of bias policing:**
 - 1. **Supervisory and Command members will:****
 - a. Review reports completed by subordinates**
 - d. Periodically review the Biased Policing Policy and Procedures during roll call.**
 - 2. The DCSO provides both initial and ongoing annual training for sworn and non-sworn members in accordance with the Section II of this policy.**
 - 3. The DCSO utilizes an Early Intervention System (EIS) that tracks and flags incidents for review including complaints, performance – biased incidents to quickly identify and address any patterns of bias policing among other concern.**
 - 4. The DCSO investigates and reports all complaints of bias policing in accordance with Section IV. of this policy.**
 - 5. The DCSO conducts an annual administrative review of DCSO practices relating to biased policing in accordance with the Section V of this policy.**

II. Training (1.2.9b & NSS § 84-144.07)

- A. Training on biased policing will be provided as follows:**

- 1. Initial Training:**

- a. Deputies will be provided with initial anti-bias training to include bias issues, legal aspects, and implicit bias. This training must be a least two hours in length and may be provided in the academy
- b. Non-sworn members will receive training on biased policing to included legal issues upon hire.

2. Annual Training:

- a. All sworn members will receive annual training to include bias, legal aspects and implicit bias. This training must be at least two hours in length.
- b. All non-sworn members will receive training on biased policing, to include legal issues annually.

III. Data Collection and Reporting

Collection of data and reporting to be submitted to the Nebraska Commission of Law Enforcement and Criminal Justice

IV. Investigation of Complaints of Bias Policing

- A. The Office of Professional Standards will receive and investigate all complaints of biased policing in the same manner by which other complaints of alleged misconduct are investigated.
 - 1. Members receiving allegations of biased policing regarding members of the DCSO will inform the OPS regardless of whether or not a Citizen Complaint form is completed. This will allow the OPS to accurately report the allegations to NCC.
 - 2. Members will report allegations of biased policing in accordance with the procedures in the DCSO "Administrative Investigation of Complaints" policy.
- B. The DCSO member determined to have conducted or participated in biased policing will be subject to counseling or discipline and/or remedial training in accordance with DCSO policy.
- C. The office of Professional Standards is responsible for reporting allegations of bias policing allegations. (NSS §20-504)

PROFESSIONAL MISCONDUCT

<https://public.powerdms.com/DCSOF/list/documents/1190034>

PREAMBLE

The actions of Douglas County Sheriff (DCSO) members affect the public. DCSO members affect the agency professional reputation and the perception of the public. DCSO members will act in a manner consistent with the agency's values and rules and regulations in order to enhance the agency's overall ability to effectively protect the public, maintain the peace and order, and conduct essential business.

POLICY

It is the policy of the Douglas County Sheriff's Office (DCSO) to establish rules and regulations for DCSO members to ensure that members conduct themselves in a manner that reflects high ethical standards and the values of the agency (26.1.1 and 12.2.1g)

ACCOUNTABILITY: In the context of this policy, accountability means the duty of all members to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of the agency without deception or subterfuge. Members are expected and directed to hold themselves accountable for their actions and/or inactions, decisions and or irresolution in the performance of their duties.

DEPUTY: In the context of this policy, Deputy includes all sworn members of the classified service as defined by Sheriff's Merit Commission.

LAWS: For the purposes of this policy, laws include criminal law, civil law and statutes pertaining to the function of government subdivisions.

MEMBER: Includes all DCSO members, both sworn and non-sworn employees, volunteers and interns.

PROCEDURE:

I. GENERAL

II. CODE OF ETHICS: As public servants, the Sheriff and all members will adhere to and abide by a Code of Ethics.

- A.** As a public servant, the Sheriff and all members of the DCSO will adhere to and abide by a Code of Ethics (1.1.2)
- B.** The DCSO of ethic is as follows: (1.1.2)

1. As a Member and representative of a constitutionally elected Sheriff, I recognize and accept that I am given a special trust and confidence by the citizens and members whom I have been elected to serve, represent and manage. This trust and confidence is my bond to ensure that I will behave and act accordingly the highest personal and professional standards. In furtherance of this pledge. I will abide by the Code of Ethics.
 - a.) My members and I, in the performance of our duties will enforce and administer the law according to the standards of the U.S. Constitution and the applicable State Constitutions and statutes so that equal protection of the law is guaranteed to everyone. To that end I will not permit personal opinions, party affiliations, or consideration of the status of others to alter or lessen the standard of treatment of others.

53. SEARCH AND SEIZURES: Members will not make any search or seizure which they know or should know are not accordance with law or agency policies.

54. SERIOUS MISCONDUCT – SEE: NSS §81-1401

FEDERAL STATUTES

18 USC §241 Conspiracy Against Rights

18 USC §242 Deprivation of rights under color of law

18 USC §654 Officer or Employee of United States Converting Property of Another

18 USC §872 Extortion by Officers or Employees of the United States

18 USC §1512b Engages in Misleading Conduct

26 USC §7214 Offenses by Officers and Employees of the United States

42 USC §1983 Civil Action for Deprivation of Rights

42 USC §1985(3) Conspiracy to Interfere with Civil Rights

42 USC §1986 Action for Neglect to Prevent

Due Process (most abused right)



DANIELA A. ESCH
DOUGLAS COUNTY CLERK, COMPTROLLER
SHERI K. LARSEN
CHIEF DEPUTY DOUGLAS COUNTY CLERK

August 26, 2020

Dr. Phyllis Marie Knight-Bey D.M.
2301 Benson Gardens Blvd #7Q
Omaha, NE 68134

Re: Tort Claim

To Whom It May Concern:

The Douglas County Clerk's office is in receipt of your tort claim. Said claim will be presented to the Douglas County Board of Commissioners at their meeting on Tuesday, September 1, 2020. Their meetings are held at 9:00 a.m. in the Legislative Chamber of the Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, NE. You are not required to attend this meeting.

Once the Board of Commissioners has received your claim it is then forwarded to the Douglas County Risk Manager for review and determination. The County has six months to review your claim. If you have additional questions in the future you may contact Darrel Neely at 402-444-7940.

Sincerely,

Ellen M. Sechser
Administrative Assistant
Douglas County Clerk's Office

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

Phillips v. Knight

Printed on 5/08/2019 at 9:50

Case ID: CI 19 8911

Room 01C20

Page 1
Decision Date 5/08/2019

P P E A R A N C E S

Judge	John E Huber	Appeared
Defendant	Phyllis Marie Knight	Appeared
Plaintiff	La Chelle Phillips	Appeared
Counsel	John C Chatelain	Appeared

D I S M I S S A L

The above captioned matter is hereby dismissed without prejudice.
Plaintiff to bear costs.

IT IS SO ORDERED.


John E Huber



5/08/2019

esw

Date

Bailiff

Tape Nos. DIGITAL RECORDING

Phyllis Marie Knight
5403 Grand Avenue
Omaha, NE 68104

APPENDIX F
page 1 of 4

FILED BY
Clerk of the Douglas County Court
05/08/2019

JOURNAL ENTRY AND ORDER(S)**IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA****Phillips v. Knight**

Printed on 8/15/2019 at 9:22

Case ID: CI 19 11289

Room 01C23

Page 1

Decision Date 8/15/2019

APPEARANCES

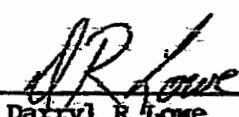
Judge	Darryl R Lowe	Appeared
Defendant	Dr. Phyllis Marie Knight	Appeared
	Self-Represented Litigant	
Defendant	Other Occupants	Did NOT Appear
Plaintiff	LaChelle Phillips	Did NOT Appear
Counsel	John C Chatelain	Appeared

ADDITIONAL ENTRIES OF RECORD

Judge recuses himself based on allegations made to the Court.
 Referred to Judge Lohaus.

IT IS SO ORDERED.

Hon.



Darryl R Lowe


8/15/2019

tcd

Date

Bailiff

Tape Nos. Digital Recorder

Dr. Phyllis Marie Knight
 5403 Grand Avenue
 Omaha, NE 68104

FILED BY
 Clerk of the Douglas County Court
 08/15/2019

OFFICIAL JOURNAL AND ORDERS

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

Phillips v. Knight

Printed on 8/16/2019 at 2:29

Room 01C99

Case ID: CI 19 11289

Page 1

Decision Date 8/16/2019

A P P E A R A N C E S

Judge Sheryl Lohaus

Appeared

O R D E R S

The Court orders:

Based on the statements in the journal entry and order dated August 15 2019, whereby Judge Lowe recused himself from hearing the restitution matter, this matter is rescheduled to Courtroom 20 on August 23 2019 at 9 AM.

N O T I C E O F H E A R I N G S

Case continued to 8/23/2019 at 9:00 AM
in County Courtroom 20 for Hearing - Restitution of Premises

IT IS SO ORDERED.

Hon.

Sheryl Lohaus
Sheryl Lohaus



8/16/2019

Date

CAT

Bailiff

Tape Nos. _____

Other Occupants
5403 Grand Avenue
Omaha, NE 68104

FILED BY
Clerk of the Douglas County Court
08/16/2019

Image ID: D05067459C01

JOURNAL ENTRY AND ORDERSIN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA
Phillips v. Knight

Printed on 8/23/2019 at 10:24

Case ID: CI 19 11289

Room 01C20

Page 1

Decision Date 8/23/2019

A P P E A R A N C E S

Judge	Derek Vaughn	Appeared
Defendant	Dr. Phyllis Marie Knight	Appeared
	Self-Represented Litigant	
Defendant	Other Occupants	Did NOT Appear
Plaintiff	LaCheille Phillips	Did NOT Appear
Counsel	John C Chatelain	Appeared

R E S T I T U T I O N O F P R E M I S E S

The Court finds there is unpaid rent due and owing the plaintiff.

Judgment awarded to: LaCheille Phillips

Against: Dr. Phyllis Marie Knight

Other Occupants

for the sum of \$0.00 plus costs of \$0.00
and attorney fees of \$0.00

H E A R I N G

Hearing held on Restitution of Premises

O R D E R S

The Court orders:

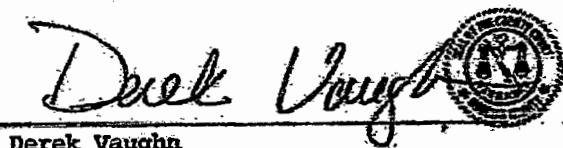
The Defendant was removed from the Courtroom due to her failure to follow the Court's Orders. Additional evidence was adduced.

E X H I B I T S

2 OFRD RCVD Affidavit

IT IS SO ORDERED.

Hon.



Derek Vaughn

8/23/2019

Date

dwb

Bailiff

Tape Nos. DIGITAL RECORDING
Clerk of the Douglas County Court**FILED BY**

WRIT OF RESTITUTION

Douglas County Court, Civil/Small Claims Division
1918 Farnam Street, Farnam Level, Omaha, NE 68183 (402) 444-5424

La CHELLE PHILLIPS,)
Plaintiff,)
vs,)
DR. PHYLLIS MARIE KNIGHT BEY D M)
And other occupants, if any,)
Defendant.)

WRIT OF RESTITUTION

CI 19 11289

TO THE CONSTABLE OF DOUGLAS COUNTY:

WHEREAS, in a certain action or the forcible entry and detention of the following described premises, to wit: **5403 Grand Avenue, Omaha, NE 68104**, lately tried in the County Court wherein above named as Plaintiff was Plaintiff, and above named Defendant was Defendant(s), judgment was rendered on June 5, 2019.

Constable: restore premises to the Plaintiff as follows: **5403 Grand Avenue, Omaha, NE 68104** with no further notice to Defendant(s).

You therefore are hereby commanded to cause the Defendant(s) to be forthwith removed from said premises, and the said Plaintiff(s) to have restitution of the same; also, that you levy of the goods and chattels of said Defendant(s), and make the costs aforesaid, and all accruing costs; and of this writ make legal service and due return.

Date: AUG 23 2019, 2019.

By the Court:

Henry 2 Mays
County Judge



Attorney for the Plaintiff: John C. Chatelain
Telephone Number: 402-333-8488 ext. #1
Plaintiff's phone number for lockout: 402-812-7969

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

La CHELLE PHILLIPS,) CI 19 11289
Plaintiff,)
)
vs.) PRAECLPIE
) FOR WRIT OF RESTITUTION
)
DR. PHYLLIS MARIE KNIGHT BEY D M)
And other occupants, if any,)
Defendant,)

TO: THE CLERK OF THE COURT:

Please issue Writ of Restitution upon Defendant, Dr. Phyllis Marie Knight Bey D M and other occupants, if any, at 5403 Grand Avenue, Omaha, Nebraska 68104, to be served by the Douglas County Constable Ron Ross all pursuant to law and pursuant to the judgment rendered in the above-entitled cause.

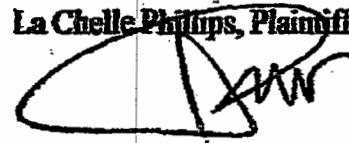
Dated: June 5, 2019

FILED
CIVIL/SMALL CLAIMS DIVISION

AUG 23 2019

Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA

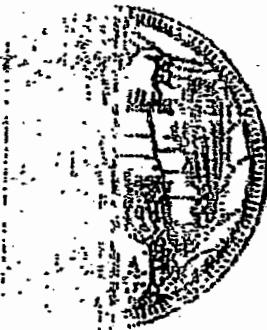
La Chele Phillips, Plaintiff


John C. Chatelain, #15925
CHATELAIN & MAYNARD
14707 California Street, Ste. #1
Omaha, Nebraska 68154
(402) 333-8488 ext. #1
Attorney for Plaintiff

Please Serve Writ ASAP and
arrange for back up



EX 3142442780



UNITED STATES COURT OF APPEALS

for the Eighth Circuit

Thomas F. Eagleton Courthouse

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General Docket
Eighth Circuit Court of Appeals

Seals Docket #: 19-2744
Case No. 3440 Other Civil Rights
Plaintiff: John Chatelain, et al
Defendant: U.S. District Court for the District of Nebraska - Omaha
Petitioner in Forma Pauperis

Docketed: 08/12/2019

Case Information:

Court Information:

0867-8 : 8:19-cv-00206-RGK

Judge: Richard G Kopf, Senior District Judge

Date: 05/08/2019

Order/Judgment:

08/12/19

Date NOA Filed:

08/12/2019

Date Rec'd CIV

08/14/2019

Class:

Phyllis Marie Knight, also known as Dr. Phyllis

Knight-Bey, D.M.

Plaintiff - Appellant

Phyllis Marie Knight

[NTC Pro Se]

Firm: 402-714-1192

5403 Grand Avenue

Omaha, NE 68105

Chatelain

Defendant - Appellee

A. Phillips

Defendant - Appellee

County Court Clerk's Office

Defendant - Appellee

Mervyl L. Lohaus

Defendant - Appellee

City of Omaha

Defendant - Appellee

Dr. Knight, also known as Dr. Phyllis Marie Knight-Bey, D.M.

Plaintiff - Appellant

1. Attelain; LaChelle A. Phillips; Douglas County Court Clerk's Office; Judge Sheryll L.
2. v. Clerk, City of Omaha

Defendants - Appellees

Civil case docketed. [4819989] [19-2744] (CAH) [Entered: 08/16/2019 10:33 AM]
5 pg, 108.03 KB

Originating court document filed consisting of notice of appeal, docket entries, Memorandum & Order 7/30/19, Judgment 7/30/19, Memorandum & Order 8/14/19. [4819999] [19-2744] (CAH) [Entered: 08/16/2019 10:36 AM]
15 pg, 623.81 KB

BRIEFING SCHEDULE SET AS FOLLOWS: If the original file of the U.S. District Court is available for review in electronic format, the court will rely on the electronic version of the record in its review. The appendices required by 8th Circuit Rule 30A shall not be required. In accordance with 8th Circuit Local Rule 30A (a)(2), the clerk of the United States District Court is requested to forward to this Court forthwith all portions of the original record which are not available in an electronic format or filed under seal, exhibits, administrative records and state court files.
BRIEF OF APPELLANT Phyllis Marie Knight due 09/25/2019 [4823001] [19-2744] (CAH) [Entered: 08/16/2019 10:47 AM]

Originating court document filed consisting of amended notice of appeal [4823001] [19-2744] (CAH) [Entered: 08/26/2019 09:39 AM]
4 pg, 477.52 KB

Clear All

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-2744

Phyllis Marie Knight, also known as Dr. Phyllis Marie Knight-Bey, D.M.

Appellant

v.

John C. Chatelain, et al.

Appellees

**Appeal from U.S. District Court for the District of Nebraska - Omaha
(8:19-cv-00206-RGK)**

MANDATE

In accordance with the opinion and judgment of 03/25/2020, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

May 05, 2020

Clerk, U.S. Court of Appeals, Eighth Circuit

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PHYLLIS MARIE KNIGHT,)	
)	
Plaintiff,)	
)	
v.)	
)	
JOHN C. CHATELAIN, et al.,)	
)	
Defendants.)	

8:19CV206

MEMORANDUM
AND ORDER

Plaintiff, Phyllis Marie Knight (“Knight”), who also refers to herself as Dr. Phyllis Marie Knight-Bey, D.M., filed this case on May 8, 2019, and was granted leave to proceed in forma pauperis on May 9, 2019. The court now conducts an initial review of Knight’s Complaint (Filing 1) and Supplement (Filing 7) to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2).

I. SUMMARY OF COMPLAINT

Knight alleges that she “has identified herself as an aboriginal Moorish American National, a citizen of the Moorish National Republic Federal Government, Northwest Africa,¹ and as a participant in the Moorish Divine and National Movement of the World—the North Gate,” and that she is “seeking damages due the unlawful eviction filing by (attorney) John C. Chatelain on behalf of his client (defendant) La Chelle Phillips without any proof of a contractual violation ...” (Filing 1, p. 1).

¹ “The Moorish Science Temple of America was founded by Timothy Drew, a/k/a Noble Drew Ali, in 1913.... Drew preached that all African-Americans are of Moorish descent and thus are not citizens of the United States. *Great Seal Moorish Sci. Temple of Am., Inc. v. New Jersey*, No. CIV.A. 05-CV-345, 2005 WL 2396311, at *1 (E.D. Pa. Sept. 28, 2005) (citing *United States v. James*, 328 F.3d 953, 954 (7th Cir.2003)). “Drew instructed his followers that all ‘Moorish Americans’ must carry a ‘Moorish passport’ bearing one’s ‘real’ name, which was often created fictitiously by adding names that Drew claimed corresponded to the three ancient Moroccan tribes, ‘Ali,’ ‘Bey,’ or ‘El,’ to one’s given birth name.” *Id.* (citing *United States v. Darden*, 70 F.3d 1507, 1517 (8th Cir. 1995)).

Five Defendants are named in the Complaint: John C. Chatelain ("Chatelain"), La Chelle Phillips ("Phillips"), the Douglas County Court Clerk's Office, Judge Sheryl L. Lohaus, and the City of Omaha (Filing 1, pp. 2-3), but in a Supplement filed on May 20, 2019, Judge Lohaus and the City of Omaha are not included in the list of Defendants (Filing 7, p. 3). However, the caption of both filings lists six Defendants: Chatelain, Phillips, an unidentified County Court Judge, County Court Clerk Supervisor (Etta), the City of Omaha, and the State of Nebraska.

Knight alleges that she "entered [a] motion in the (Douglas County Court) on May 7, 2019 demanding case number CI 19-8911 be dismissed due to lack of jurisdiction over the person, the subject and the matter due to diversity of citizenship." (Filing 1, p. 1) The court takes judicial notice of the proceedings in *La Chelle Phillips v. Phyllis Marie Knight*, County Court of Douglas, Nebraska, Case No. CI 19-8911 (available on the JUSTICE public database at www.nebraska.gov).² The county court file reflects that a complaint for restitution and detainer was filed against Knight on April 24, 2019, by attorney John C. Chatelain ("Chatelain") on behalf of La Chelle Phillips ("Phillips"), who was alleged to be the owner of a residence located at 5403 Grand Avenue in Omaha, Nebraska. The matter was dismissed without prejudice following a hearing on May 8, 2019.

II. STANDARDS ON INITIAL REVIEW

The court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. *See 28 U.S.C. § 1915(e)*. The court must dismiss a complaint or any portion of it that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. *28 U.S.C. § 1915(e)(2)(B)*.

² Federal courts may *sua sponte* take judicial notice of proceedings in other courts if they relate directly to the matters at issue. *Conforti v. United States*, 74 F.3d 838, 840 (8th Cir. 1996); *see also Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005) (federal courts may take judicial notice of judicial opinions and public records); *Stahl v. United States Dep't of Agriculture*, 327 F.3d 697, 700 (8th Cir. 2003) (taking judicial notice of public records, and considering such materials in a motion to dismiss).



Timothy F. Dunn
COURT SERVICES
1616 LEAVENWORTH
OMAHA, NEBRASKA

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ZIP 68183
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PHYLLIS KNIGHT
2301 BENSON GARDENS BLVD #7Q
OMAHA, NE
68134



Timothy F. Dunning – Douglas County Sheriff

COURT SERVICES BUREAU

1616 Leavenworth Street

Omaha, NE 68102

Civil Process Division	(402) 599-2600
Civil Proceeds Division	(402) 599-2601
Fugitive Warrants Division	(402) 599-2633
Records Division	(402) 599-2608

June 4th, 2020

Phyllis Knight
2301 Benson Gardens Blvd #7Q
Omaha, NE 68134

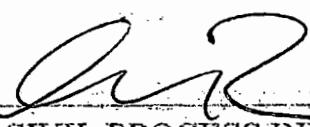
CASE: CR19-23886

We are returning the documents that you have sent to our office. There is a previous balance on your account and we are unable to serve any documents while there is an outstanding balance.

The Douglas County Sheriff's Office requires a deposit fee and a paid in full balance on all accounts in order to process and serve valid documents. A copy of your statement has been provided with this letter.

The documents that were sent to our office are not documents that we can serve.

Timothy F. Dunning, Sheriff

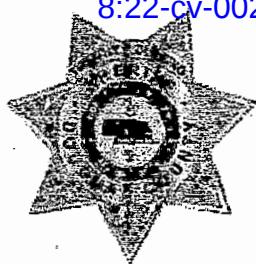
BY: 

CIVIL PROCESS DIVISION

DOUGLAS COUNTY SHERIFF'S OFFICE, OMAHA, NEBRASKA

CLERK'S OFFICE, OMAHA, NEBRASKA

THE DOUGLAS COUNTY SHERIFF'S OFFICE
DOES NOT PROVIDE LEGAL ADVICE
YOU ARE ADVISED TO CONSULT A LAWYER



Timothy F. Dunning - Douglas County Sheriff

COURT SERVICES BUREAU

1616 Leavenworth Street
Omaha, NE 68102

Civil Process Division
Accounting Division

(402) 599-2600
(402) 599-2602

PHYLLIS KNIGHT
3912 NORTH 70TH CIRCLE
OMAHA NE 68104

402-714-1192

Statement of Account through 05/31/2020 . Please contact our office to pay your statement over the phone with credit. We also take credit or cash at our lobby.

Please identify which invoices you are paying by marking them where indicated.

Sherrif #	Invoice #	Case Caption	Court Case #	Contact	Date Returned	Balance
19020680	81419	PHYLLIS MARIE KNIGHT vs JOHN C. CHATELAIN, ET AL 8:19CV206	8:19CV206		10/11/2019	22.88
19020681	81420	PHYLLIS MARIE KNIGHT vs JOHN C. CHATELAIN, ET AL 8:19CV206	8:19CV206		10/11/2019	18.61
19021075	81421	PHYLLIS MARIE KNIGHT vs JOHN C. CHATELAIN, ET AL 8:19CV206	8:19CV206		10/11/2019	18.61
19020760	81422	PHYLLIS MARIE KNIGHT vs JOHN C. CHATELAIN, ET AL 8:19CV206	8:19CV206		10/11/2019	7.22
19021074	81423	PHYLLIS MARIE KNIGHT vs JOHN C. CHATELAIN, ET AL 8:19CV206	8:19CV206		10/11/2019	7.22
19021076	81424	PHYLLIS MARIE KNIGHT vs JOHN C. CHATELAIN, ET AL 8:19CV206	8:19CV206		10/11/2019	27.15
						Balance 101.69

Current	31- 60	61- 90	Over 90
0.00	0.00	0.00	101.69



Timothy F. Dunning – Douglas County Sheriff

COURT SERVICES BUREAU

1616 Leavenworth Street
Omaha, NE 68102

Civil Process Division	(402) 599-2600
Civil Proceeds Division	(402) 599-2601
Fugitive Warrants Division	(402) 599-2633
Records Division	(402) 599-2608

July 27, 2020

Phyllis Marie Knight

2301 Benson Garden Blvd
#7Q
Omaha, Ne 68134

In Re: IN FORMA PAUPERIS for case 8:19CV206

Our office received Orders to serve on Aug 27th, Aug 28th and Aug 30th, 2019 from you. You stated you had an IFP order on file for these cases. It was confirmed by Lindsey Olson with the U.S. Federal Court in Nebraska, but Lindsey also stated that Pro Se cases on the federal level must go through an initial review before proceeding to service. You, Miss Knight, did not allow time for the initial review to take place before proceeding with your claims, so your In Forma Pauperis was dismissed by the Federal Court. Therefore, the fees from the Douglas County Sheriff's Civil Process Division is ultimately your responsibility. If you have any further questions please contact Lindsey at 402-437-1902

Thank you

Douglas County Sheriffs Civil Process Division

2026 RELEASE UNDER E.O. 14176

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA
OFFICE OF THE CLERK
www.ned.uscourts.gov

Denise M. Lucks
Clerk of Court

Gabriela Acosta
Chief Deputy Clerk

December 21, 2020

Timothy F. Dunning – Douglas County Sheriff
Court Services Bureau – Civil Process Division
1616 Leavenworth Street
Omaha, NE 68102

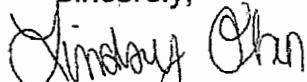
RE: Phyllis Marie Knight – 8:19CV206

To Whom it May Concern:

On May 9, 2019, Ms. Knight was granted leave to proceed in forma pauperis without payment of fees in civil filing 8:19CV206. This order is in relation to the filing fee of a civil case, not any additional fees that may be incurred. The Court must conduct an initial review of pro se cases on IFP before service can proceed. On July 30, 2019, the case was dismissed without prejudice for lack of subject matter jurisdiction following a review. On August 12, 2019, a Notice of Appeal was filed by Ms. Knight and the case was forwarded to the United States Court of Appeals- Eighth Circuit for review. We have no order on file revoking Ms. Knight's IFP status in relation to the filing fee.

If you have any questions, please contact us at (866) 220-4381. Thank you.

Sincerely,


Lindsey Olson
Case Manager

111 South 18th Plaza, Suite 1152, Omaha, NE 68102-1322

Omaha: (402) 661-7350 | Fax: (402) 661-7387 | Toll Free: (866) 220-4381
Lincoln: (402) 437-1900 | Fax: (402) 437-1911 | Toll Free: (866) 220-4379



DOUGLAS COUNTY SHERIFF

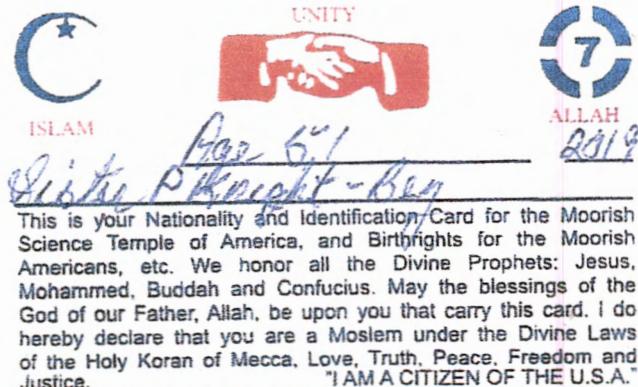
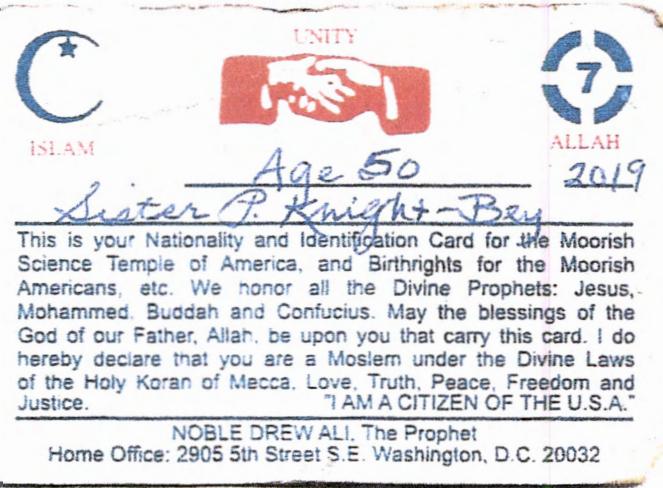
3601 NORTH 156TH ST. * OMAHA * NE * 68116

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CRIMINAL INVESTIGATION DIVISION

OFFICE (402) 444-7997

CHARLES.MILLERJR@DOUGLASCOUNTY-NE.GOV



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May 2010
Metropolitan Omaha Property Owners Association

Formerly Omaha Landlords Association

- ADVERTISE YOUR VACANCIES ON www.OmahaAREArentals.com
- EPA RRP Now in Effect on all Pre-1978 Built Homes.

Inside this issue:

Letter From the President	3
F17 Q & A	5
Lovess Event May 15	6
Higher Taxes?	7
Welcome to the Early Bird Breakfast	8 - 9
EPA RRP Class Lots- 11 items	11

MOPOA

Metropolitan Omaha Property Owners Association

MONDAY NIGHT MEETING
MAY 10th, 2010 6:45 p.m.

Our Speaker:
Ron Ross.
Douglas County
Constable

Mr. Ross will speak on the constable serving process, including evictions and the lock out.

The Monday Night Monthly Meeting is held at Westside Conference Center 3534 S. 108th St. at 6:45 p.m. (2nd Monday of Month Sept-May)

Join the MOPOA Action Committee. All members are needed to participate.



CONTINUE >

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ARREST # OP2125697

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA

CLIA 73886

Plaintiff,

vs.

PHYLLIS M KNIGHT,

CRIMINAL COMPLAINT

Defendant

AKA: PHYLLIS KNIGHT

AKA: PHYLLIS M LILLARD

AKA: PHYLLIS M MCKNIGHT

AKA: PHYLLIS M KNIGHT-BEY

ADDRESS: 5132 HARTMAN AVE
OMAHA, NE 68102

D.O.B.: February 12, 1969

DL#: G01325101 STATE: NE CLASS:

CMV: VEH. LIC: STATE:

LANGUAGE IF INTERPRETER NEEDED:

On the complaint and information of Assistant City Prosecutor Kevin J. Slimp, made in the name and on behalf of the State of Nebraska before the County Court of Douglas County, Nebraska this 15 October 2019 being duly sworn on his oath alleges that the above named Defendant did:

**COUNT I
DAMAGE TO PROPERTY
§20-158**

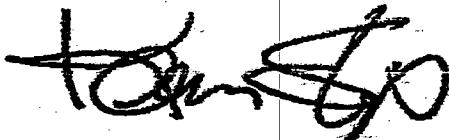
on or about the 16th day of September, 2019 within the City of Omaha, Douglas County, Nebraska contrary to the Ordinances of the City of Omaha and against the peace and dignity of the State of Nebraska did purposely or knowingly tamper with or damage the property of LACHELLE PHILLIPS. (Penalty: OMC 1-10)

FILED COUNT II
CRIM/TRAFF DIVISION TRESPASS
§20-154
OCT 15 2019

Clerk of Court



on or about the 16th day of September, 2019 within the City of Omaha, Douglas County, Nebraska contrary to the Ordinances of the City of Omaha and against the peace and dignity of the State of Nebraska did purposely or knowingly enter or be upon the property of without being invited, licensed or privileged. (Penalty: OMC 1-10)



Kevin J. Slimp
Assistant City Prosecutor

A-10/21-PM
DOUGLAS COUNTY COURT
TJN

WITNESSES:

TYLER J VINCENT #1818

LA CHELLE PHILLIPS

EARL BIGGS JR

FILED
CRIM/TRAFF DIVISION

OCT 15 2019

Clark, a/c

Image ID: F00139602C01

JOURNAL ENTRY AND ORDER**IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA**Plt. v. **PHYLLIS M KNIGHT**DOB: **2/12/1969**Case ID: **CR 19 23886**Citation: **OP 2125697**Printed on **10/21/2019 at 3:12****Room 01C29****Page 1****Date of Hearing 10/21/2019****CHARGES (AMENDMENTS / PLEAS / FINDINGS / FINES / PRESENTENCE / JAIL / DISMISSALS)**

CHARGE	STATUTE	DESCRIPTION	CLASS	TYPE
01	20-158	DAMAGE TO PROPERTY		MSD
02	20-154	TRESPASS		MSD
03	20-5	Fail to appear	3	MSD

APPEARANCES AND ADVISEMENT

Judge **Grant Forsberg**
 Prosecutor **Marcus A Sladek**

ADDITIONAL ENTRIES OF RECORD

The undersigned finds that a warrant is supported by oath or affirmation upon affidavit or upon the record in open court.

Defendant fails to appear;

Bench warrant to issue; Leave granted to amend.

Bond set at **\$2,500.00** Ten Percent Allowed

The State is granted leave to file an additional charge of Failure to Appear.

I, on,


Grant Forsberg**10/21/2019**

Date

ss

Bailiff

Tape Nos. **Digital recording**

Journal Entry and Order(s) copies to:

Slipp, Kevin, J.**ProsecutorEfiling@cityofomaha.org**

BENCH WARRANT

IN THE COUNTY COURT OF Douglas COUNTY, NEBRASKA

Doc. No. 5129877

State v. Phyllis M Knight

Citation No: OP 2125697 Case ID: CR 19 23886

TO: THE Omaha Police Department OR ANY DULY AUTHORIZED LAW ENFORCEMENT OFFICER

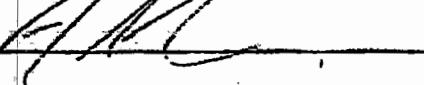
A complaint has been filed in the above court alleging the above-named defendant committed the following offense(s):

<u>Statute</u>	<u>Offense Description</u>	<u>Type</u>	<u>Cl.</u>	<u>Off. Date</u>
20-158	DAMAGE TO PROPERTY	MSD		09/16/2019
20-154	TRESPASS	MSD		09/16/2019
20-5	Fail to appear	MSD	3	10/21/2019

Defendant was ordered to appear in said court on October 21, 2019 for Arraignment, and defendant did not comply with such order. The undersigned finds that this warrant is supported: (X) by oath or affirmation upon affidavit or upon the record in open court; () by my personal review of the court file; () by occurrence in the presence of the court.

THEREFORE YOU ARE ORDERED to immediately arrest said defendant wherever he/she may be found and to bring him/her promptly before this court or any judge or magistrate having jurisdiction of this matter, to answer such complaint and be further dealt with according to law.

Bail bond guaranteeing defendant's appearance before this court is hereby fixed in the sum of \$2,500.00 Ten Percent Bond, which may be collected by the arresting agency or a court of competent jurisdiction in the county of arrest. Bail bond shall contain a date certain for defendant's appearance in this court.

Date: October 21, 2019 Judge/Magistrate 

FILED
CRIM/TRAFF DIVISION

OCT 21 2019

Clerk of Court
DOUGLAS COUNTY COURT
OMAHA, NEBRASKA



1188146CRC01

Officer: Tyler Vincent

Omaha Police Department

Defendant: Phyllis M Knight
5132 Hartman Ave
Omaha, NE 68102-0000

AKA Phyllis M Knight-Bey
AKA Phyllis Knight
AKA Phyllis M Lillard
AKA Phyllis M McKnight

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

**Scott S. Harris
Clerk of the Court
(202) 479-3011**

November 17, 2020

**Ms. Phyllis Marie Knight
2301 Benson Gardens Blvd.
#7Q
Omaha, NE 68134**

**Re: Phyllis Marie Knight
v. John C. Chatelain, et al.
No. 20-6344**

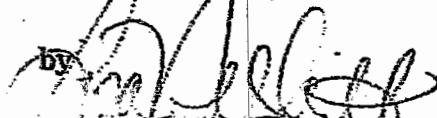
Dear Ms. Knight:

The petition for a writ of certiorari in the above entitled case was filed on September 18, 2020 and placed on the docket November 17, 2020 as No. 20-6344.

A form is enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

Scott S. Harris, Clerk


by
✓ Lisa Nesbitt
Case Analyst

Enclosures

WAIVER

SUPREME COURT OF THE UNITED STATES

20-6344

Supreme Court Case No.

Phyllis Marie Knight	John C. Chatelain
(Petitioner)	(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate boxes:

Please enter my appearance as Counsel of Record for all respondents.

There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

Judge Sheryl L. Lohaus

I am a member of the Bar of the Supreme Court of the United States.

I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature **James A. Campbell**

Digitally signed by James A. Campbell
Date: 2020.11.30 13:52:19 -06'00'

Date: **11/30/20**

(Type or print) Name **James A. Campbell**

Mr. Ms. Mrs. Miss

Firm **Office of the Nebraska Attorney General**

Address **2115 State Capitol**

City & State **Lincoln, NE**

Zip **68509**

Phone **402-471-2682**

Email **jim.campbell@nebraska.gov**

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

CC: Phyllis Marie Knight, 2301 Benson Gardens Blvd. #7Q, Omaha, NE 68134



Search documents in this case:

No. 20-6344

Title:	Phyllis Marie Knight, Petitioner v. John C. Chatelain, et al.
Docketed:	November 17, 2020
Lower Ct:	United States Court of Appeals for the Eighth Circuit
Case Numbers:	(19-2744)
Decision Date:	March 25, 2020
Rehearing Denied:	April 28, 2020

DATE	PROCEEDINGS AND ORDERS
Sep 18 2020	Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due December 17, 2020) Motion for Leave to Proceed in Forma Pauperis Petition Appendix Proof of Service

NAME	ADDRESS	PHONE
Attorneys for Petitioner		
Phyllis Marie Knight	2301 Benson Gardens Blvd. #7Q Omaha, NE 68134	(402) 714-1192
Party name: Phyllis Knight		

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PHYLLIS M. KNIGHT, also known as
Dr. Phyllis M. Knight Bey D.M.,

8:21CV408

Plaintiff,

vs.

LACHELLE A. PHILLIPS and
ARTHUR PHILLIPS,

MEMORANDUM
AND ORDER

Defendants.

Plaintiff, a non-prisoner, has been given leave to proceed in forma pauperis. Pursuant to 28 U.S.C. § 1915(e)(2), the court now conducts an initial review of Plaintiff's Amended Complaint (Filing 8) to determine whether this matter may proceed to service of process.

I. APPLICABLE STANDARDS ON INITIAL REVIEW

The court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. The court must dismiss a complaint or any portion of it that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

Pro se plaintiffs must set forth enough factual allegations to “nudge[] their claims across the line from conceivable to plausible,” or “their complaint must be dismissed.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 569-70 (2007); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”).

“The essential function of a complaint under the Federal Rules of Civil Procedure is to give the opposing party ‘fair notice of the nature and basis or grounds

Dr. Phyllis M. Knight Verge Bey D.M.
[PHYLLIS M. KNIGHT]
C/O 4964 E Lincoln Street – Box 13
Wichita, Kansas [67128]



7022 0410 0002 5716 9349

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UNITED STATES DISTRICT COURT
111 S. 18TH PLAZA, SUITE 1152
OMAHA, NE [68102-1332]